United Nations S/2004/809

Security Council

Distr.: General
11 October 2004

Original: English

Letter dated 5 October 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the command of the United Nations Truce Supervision Organization (UNTSO).

Following the usual consultations, it is my intention to appoint Brigadier General Clive Lilley of New Zealand as the Chief of Staff of UNTSO. Brigadier General Lilley will replace Major General Carl Dodd, who relinquished the post on 30 September 2004.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-54500 (E) 111004

United Nations S/2004/810

Security Council

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11 October 2004

Original: English

Letter dated 8 October 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 5 October 2004 (S/2004/809) concerning your intention to appoint Brigadier General Clive Lilley of New Zealand as the Chief of Staff of the United Nations Truce Supervision Organization (UNTSO) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Emyr **Jones Parry**

04-54506 (E) 111004

United Nations A/ES-10/287–S/2004/811

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 11 October 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel's Prime Minister, Ariel Sharon, has ordered the Israeli occupying forces to continue launching intense military attacks in the northern Gaza Strip area, particularly in the Jabaliya refugee camp. This most recent offensive, which the Security Council has failed to bring an end to, in Israel's ongoing military campaign against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, has resulted in widespread death and destruction in the Jabaliya refugee camp and the surrounding areas in the Gaza Strip. At the same time, the Israeli occupying forces continue to kill and wound civilians and destroy property throughout the West Bank on a nearly daily basis. In this regard, at least 21 more Palestinians, including four children, in the Occupied Palestinian Territory have been killed by the occupying forces since my letter to you dated 7 October 2004 (A/ES-10/286-S/2004/801).

In the period since my last letter, the occupying forces have continued to commit extrajudicial killings by launching air missile strikes at Palestinian "militants". These attacks have resulted in the killing and wounding of several Palestinians. In one such attack on Saturday in Jabaliya, the occupying forces fired missiles near a marketplace, striking the intended "targets" and critically wounding at least four other people. Also on Saturday, Israeli tanks and bulldozers raided a residential area east of Rafah and ordered families to leave their homes, which were marked for demolition by the occupying Power. These unlawful actions were followed on Sunday by more air strikes and attacks against the Palestinian population in the northern Gaza Strip area, in which two more Palestinians were killed and more than 23 others injured by the occupying forces.

Such cruel disregard for human life has become a hallmark of Israel's illegal policies and practices against the Palestinian people in the Occupied Palestinian Territory, in particular since the onset of the current Israeli military campaign on 28 September 2000. In the past four years, there have been countless incidents of horrifying violence and brutality by the Israeli occupying forces against the

04-54559 (E) 121004

Palestinian people, including women and children. In this regard, I must draw your attention to one of the most recent such incidents concerning a 13 year-old Palestinian girl, Iman Samir Al-Hams, who was shot to death by the occupying forces, which riddled her body with 20 bullets, as she walked to school with her friends on 5 October 2004 in the Tel Sultan neighbourhood of Rafah. While mention was made of Iman's appalling killing in my letter of 7 October 2004, reports about the incident have brought to light graphic and shocking details of her murder. According to these reports, Iman was shot from an Israeli observation tower in the area by occupying forces that "suspected" she had explosives in her school bag. After she had been shot and was on the ground, the commander of the occupying unit went up to her and fired another two shots at her from close range. Then, according to the reports, and despite the pleas by other soldiers there to stop the shooting, the commander returned to Iman a third time and emptied his magazine of bullets into her dead body. This is but one of the many tragic accounts of the life of a Palestinian child cut short by the lethal, excessive and indiscriminate use of force by the Israeli occupying forces. There were no explosives in Iman's bag; she was an innocent girl trying to live a normal life by going to school each day despite the most abhorrent and abnormal circumstances under Israel's occupation. The perpetrators of this war crime and all other war crimes being committed by the occupying Power against the defenceless Palestinian civilian population must be held accountable.

This letter is in follow-up to our previous 205 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 7 October 2004 (A/ES-10/286-S/2004/801) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that, since my last letter to you, at least 21 more Palestinians, including children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,386. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 11 October 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Thursday, 7 October 2004, to Monday, 11 October 2004)

Thursday, 7 October 2004

1. Luay Jamal Hamd (died from wounds sustained on 3 October 2004)
2. Khaled Abdelaziz Abu To'ema
3. Hassan Jouma'a Al-Sharatheh (13 years old, died from wounds sustained on 3 October 2004)

Friday, 8 October 2004

1. Samah Sameeh Nassar (10 years old)
2. Marzouq Mohammed Marzouq Abu Edwan
3. Mohammed Nabil Mutawea' Soboh (17 years old)
4. Yasser Saleh Al-Khateeb (17 years old)
5. Salameh Ismail Abu Sela'eh
6. Saqr Awni Saqr
7. Imad Yehya Badr

Saturday, 9 October 2004

1. Mohammed Yehya Edwan
2. Arafat Fuad Nasser
3. Abdelraouf Hassan Nabhan
4. Amin Mohammed Salem
5. Soufyan Moussa Salem

Sunday, 10 October 2004

1. Maher Mahmoud Zaqout
2. Raed Mohammed Al-Mabhooh

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,386.

Monday, 11 October 2004

1. Yousef Mamdouh Abu Seif (died from wounds sustained on 10 October 2004)
2. Sameh Zamel Al-Waheidy (died from wounds sustained on 10 October 2004)
3. Ahmed Zaki Al-Qarhan Hamad (died from wounds sustained on 10 October 2004)
4. Tamer Mohammed Abu Khamash

United Nations S/2004/812

Security Council

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11 October 2004

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Letter dated 4 October 2004 from the Secretary-General addressed to the President of the Security Council

Members of the Council will recall that, in its resolution 1564 (2004) of 18 September 2004, the Security Council requested me, inter alia, to "rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable".

I have the honour to inform you that, pursuant to the request of the Council, I have appointed a five-member Commission, to be chaired by Antonio Cassese (Italy), former President of the International Criminal Tribunal for the Former Yugoslavia. In addition to Mr. Cassese, the other members of the Commission are: Thérèse Striggner Scott (Ghana), Mohamed Fayek (Egypt), Hina Jilani (Pakistan) and Diego García-Sayán (Peru).

Dumisa Ntsebeza (South Africa) will be the Executive Director of the Commission and head of the technical and administrative team providing support to the Commission.

The International Commission of Inquiry for Darfur shall:

(a) Investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties in the current conflict;

(b) Qualify crimes and determine whether or not acts of genocide have occurred or are still occurring;

(c) Determine responsibility and identify the individual perpetrators responsible for the commission of such violations, and recommend accountability mechanisms before which those allegedly responsible would be brought to account.

In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government of the Sudan. It shall be provided with the necessary facilities to enable it to discharge its mandate and shall, in particular, be guaranteed freedom of movement throughout the territory, freedom of access to all sources of information, both testimonial and physical evidence, and all documentary material. Appropriate security arrangements for the personnel and documents of the Commission shall be provided, and protection of victims and witnesses and all those appearing before the Commission in connection with the inquiry shall be guaranteed.

I have asked the Commission to submit a report to me within 90 days from the start of its activities.

(*Signed*) Kofi A. **Annan**

04-54602 (E) 111004

United Nations S/2004/813

Security Council

Distr.: General
12 October 2004

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004,

Having considered the nominations for Permanent Judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General,

Forwards the following nominations to the General Assembly in accordance with Article 13 bis (1) (d) of the Statute of the International Tribunal:

Mr. Carmel A. Agius (Malta)
Mr. Jean-Claude Antonetti (France)
Mr. Iain Bonomy (United Kingdom)
Mr. Liu Daqun (China)
Mr. Mohamed Amin El-Abbassi El Mahdi (Egypt)
Mr. Elhagi Abdulkader Emberesh (Libyan Arab Jamahiriya)
Mr. Rigoberto Espinal Irias (Honduras)
Mr. O-gon Kwon (Republic of Korea)
Mr. Theodor Meron (United States of America)
Mr. Bakone Melema Moloto (South Africa)
Ms. Prisca Matimba Nyambe (Zambia)
Mr. Alphonsus Martinus Maria Orie (Netherlands)
Mr. Kevin Horace Parker (Australia)
Mr. Fausto Pocar (Italy)
Mr. Yenyi Olungu (Democratic Republic of the Congo)
Mr. Sharada Prasad Pandit (Nepal)
Ms. Vonimbolana Rasoazanany (Madagascar)
Mr. Patrick Lipton Robinson (Jamaica)
Mr. Wolfgang Schomburg (Germany)
Mr. Mohamed Shahabuddeen (Guyana)
Ms. Christine Van den Wyngaert (Belgium)
Mr. Volodymyr A. Vassylenko (Ukraine)

04-55564 (E) 141004

United Nations S/2004/814

Security Council

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13 October 2004

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Women and peace and security

Report of the Secretary-General

I. Introduction

1. On 31 October 2002, the Security Council adopted the statement of the President (S/PRST/2002/32), in which it requested the preparation of a follow-up report on the full implementation of resolution 1325 (2000) on women and peace and security to be presented to the Security Council in October 2004. The present report is prepared pursuant to that request.

2. Building on the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, as well as the work of the Security Council and other legislative bodies on peace and security, resolution 1325 (2000) called for women's equal participation with men and their full involvement in all efforts for the maintenance and promotion of peace and security. It reaffirmed the need to fully implement international humanitarian and human rights law to protect women and girls from human rights abuses, including gender-based violence. It identified the need to mainstream gender perspectives in relation to conflict prevention, peace negotiations, peacekeeping operations, humanitarian assistance, post-conflict reconstruction and disarmament, demobilization and reintegration initiatives.

3. This report provides illustrative examples of the progress achieved thus far and identifies gaps and challenges in the implementation of resolution 1325 (2000), as well as recommendations for further action which the Security Council and other actors may wish to consider. It is based on contributions from Member States[1] and entities of the United Nations system.[2] It draws on the assessment of progress and recommendations made in my report of 16 October 2002 on women, peace and security,[3] an in-depth study mandated by resolution 1325 (2000), and other studies and reports, including the assessment of an independent expert commissioned by the United Nations Development Fund for Women (UNIFEM).[4]

II. Progress in implementation

4. Initiatives have been taken by a broad range of actors to implement resolution 1325 (2000), inter alia, by developing policies, action plans, guidelines and indicators; increasing access to gender expertise; providing training; promoting

04-53414 (E) 151004

consultation with and participation of women; increasing attention to human rights; and supporting the initiative of women's groups. Resolution 1325 (2000) has been effectively utilized by civil society organizations as an advocacy and monitoring tool. Despite significant achievements, major gaps and challenges remain in all areas, including, in particular, in relation to women's participation in conflict prevention and peace processes; the integration of gender perspectives in peace agreements; attention to the contributions and needs of women in humanitarian and reconstruction processes; and representation of women in decision-making positions. Increased incidence of sexual and gender-based violence in recent years and the failure to provide adequate protection is a critical issue and will be treated in a separate section of this report.

A. Intergovernmental processes

1. Security Council

5. The Security Council held three open debates in 2002 and 2003 at which progress and challenges in implementation of resolution 1325 (2000) were discussed. Two presidential statements[5] were issued calling on Member States, entities of the United Nations system, civil society and other relevant actors to develop clear strategies and action plans with goals and timetables, including monitoring mechanisms on the integration of gender perspectives in peace support and humanitarian operations and in post-conflict reconstruction.

6. In recent resolutions, the Security Council reaffirmed resolution 1325 (2000) and included specific mandates[6] for the protection of women and children in the United Nations Operation in Burundi (ONUB), the United Nations Operation in Côte d'Ivoire (UNOCI), the United Nations Stabilization Mission in Haiti (MINUSTAH) and the United Nations Mission in Liberia (UNMIL). Overall, in 15.6 per cent of Security Council resolutions adopted from January 2000 to June 2004 attention was paid to women or to gender concerns. In addition, discussions by the Council have increasingly recognized the interrelationship between gender perspectives and other thematic issues before the Council, such as children in armed conflict, protection of civilians, conflict prevention, the rule of law and transitional justice.

7. In adopting resolution 1325 (2000), the Security Council expressed its willingness to ensure that missions mandated by the Council take into account gender considerations and the rights of women including through consultation with local and international women's groups. Members of the Council met with local women's groups during all Council missions to West Africa, the Democratic Republic of the Congo, the Great Lakes Region and Afghanistan in 2003 and 2004. The Council mission to West Africa in June 2004 specifically called on UNOCI to mainstream gender perspectives into its operations. As a comparison, from 2000 to 2002, the Council consulted with women's groups at 4 out of 10 missions. Briefing notes, prepared by the Inter-Agency Task Force on Women, Peace and Security since 2003 provided information on women's groups and on gender equality concerns in the countries visited.

8. Members of the Security Council also expanded their engagement with civil society through several "Arria Formula" meetings. Two round tables hosted in 2004 by the Permanent Missions of Canada, Chile, and the United Kingdom of Great

Britain and Northern Ireland in coordination with the NGO Working Group on Women, Peace and Security, brought together Council members, Member States, United Nations entities and non-governmental organizations (NGOs)[7] and civil society representatives to discuss linkages between the various thematic reports and resolutions, and the importance of participation of women, the incorporation of gender perspectives and the protection of civilians. These interactions resulted in a draft checklist for integrating attention to the needs, priorities and contributions of women into the work of the Council.

2. General Assembly

9. The General Assembly has considered women, peace and security issues in some of its discussions and resolutions[8] on country and thematic issues, including on protection and assistance to internally displaced persons, the situation of human rights in the Democratic Republic of the Congo, human rights and mass exoduses, trafficking in women and girls and the girl child. The Assembly condemned the widespread use of sexual violence against women and children as a weapon of war. It urged all parties to conflict to meet the special needs of women and girls in post-conflict reconstruction. It also urged all parties to conflict to implement all necessary measures to put an end to the widespread violations of human rights and impunity, in particular with regard to sexual violence against women and children. In 2003, the Assembly adopted a resolution on women and political participation,[9] in which it reaffirmed the important role of women in the prevention and resolution of conflict and stressed the importance of their full and equal participation in all efforts to promote and maintain peace and security in accordance with resolution 1325 (2000) and other relevant resolutions of the Assembly.

3. The Economic and Social Council and its functional commissions

10. At its substantive session of 2004, the Economic and Social Council, following up on its agreed conclusions 1997/2 on gender mainstreaming in all programmes and policies of the United Nations, adopted resolution 2004/4, in which it requested all United Nations entities to strengthen their efforts at gender mainstreaming and to develop action plans with specific timelines for implementing the gender mainstreaming strategy. The resolution also called for measures to strengthen commitment and accountability at the highest levels within the United Nations and underscored the importance of monitoring and reporting. United Nations entities were also asked to provide effective support to gender specialists, gender focal points and gender theme groups. The resolution urged continued efforts towards full implementation of resolution 1325 (2000).

11. At its forty-eighth session, the Commission on the Status of Women reviewed the thematic issue of women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building. Building on resolution 1325 (2000), the Commission, in its agreed conclusions,[10] made a number of recommendations to Governments and other relevant participants on the participation of women and incorporation of gender perspectives in conflict prevention, peace processes, and post-conflict peace-building, including in elections and reconstruction and rehabilitation.

B. Conflict prevention and early warning

12. In its resolution 1325 (2000) the Security Council reaffirmed the important role of women in the prevention of conflict and stressed the need to increase their role in decision-making in conflict prevention. Women's contributions to preventing conflicts are particularly important in "people to people" diplomacy. Women can call attention to tensions before they erupt in open hostilities by collecting and analysing early warning information on potential armed conflict. Women play a critical role in building the capacity of communities to prevent new or recurrent violence. Women's organizations can often make contact with parties to conflict and interface with Governments and the United Nations.

13. Reflecting the importance of women's participation in conflict prevention, in my report on prevention of armed conflict,[11] I encouraged the Security Council to give greater attention to gender perspectives in its conflict prevention efforts; and in my interim report[12] I recognized the need to prioritize the proactive role women can play in peace-building.

14. At the forty-eighth session of the Commission on the Status of Women, Member States emphasized the need to: improve the collection, analysis and inclusion of information on women and gender issues as part of conflict prevention and early warning efforts; ensure better collaboration and coordination between efforts to promote gender equality and efforts aimed at conflict prevention; support capacity-building, especially for civil society and in particular for women's organizations, to increase community commitment to conflict prevention; and ensure women's participation in the elaboration and implementation of strategies for preventing conflict.

15. Member States, United Nations entities, civil society and NGOs are engaged in a constructive dialogue to support the process of the Global Partnership for the Prevention of Armed Conflict in follow-up to the open debate on the role of civil society in the prevention of armed conflict held on 4 September 2003.[13] The Global Partnership is organizing consultations in the lead up to an international conference planned for June 2005. Women's involvement in the Global Partnership needs to be strengthened. On a regional level, the African First Ladies Peace Mission, currently chaired by the First Lady of Burkina Faso, has worked to enhance women's role in conflict prevention.

16. The Swedish International Development Cooperation Agency has developed an overall strategy for conflict management and peace-building and has supported NGOs on implementation of resolution 1325 (2000), including on conflict prevention. Between 2001 and 2002, the Swiss Peace Foundation, International Alert and the Forum on Early Warning and Early Response developed a set of gender-sensitive early warning indicators, which allows for previously overlooked signs of instability to be taken into account and concentrates on early warning at the grassroots level.

17. Within the United Nations system, UNIFEM has developed a set of gender-based early warning indicators that are currently being tested in four field-based pilots in Colombia, the Democratic Republic of the Congo, the Solomon Islands and areas of central Asia. These indicators, drawn from a wide range of women's experiences in the build-up to and during armed conflict, vary from such obvious signs as sex-specific refugee migrations and rising violence against women to less

obvious measures such as media scapegoating of women and the silencing of women leaders through intimidation.

18. The Department of Economic and Social Affairs of the Secretariat has established a Task Force on Conflict Prevention, Peace-building and Development, which is developing a work plan covering the underlying causes of conflicts such as poverty, socio-economic and gender inequalities, endemic underdevelopment, weak or non-existent institutions and the absence of effective governance. The Office of the Special Adviser on Gender Issues and Advancement of Women has compiled a list of gender contacts on peace and security, including on conflict prevention and resolution.

19. Despite these efforts, women's knowledge and experiences are underutilized in the prevention of violent conflict while gender perspectives have been neglected in early warning exercises and the development of response options. System-wide efforts, such as the Interdepartmental Framework for Coordination on Early Warning and Preventive Action, should draw more systematically on women's contributions to conflict prevention and fully incorporate gender perspectives into responses at Headquarters and on the ground. Special representatives and envoys, regional and country teams and other relevant actors should identify, engage and support local women and their associations in conflict prevention efforts.

20. **I intend to develop a comprehensive system-wide strategy and action plan for increasing attention to gender perspectives in conflict prevention, with particular emphasis on monitoring and reporting mechanisms.**

21. **I urge Member States, United Nations entities, NGOs and other relevant actors to work collaboratively to ensure the full participation of women and incorporation of gender perspectives in all conflict prevention work and to strengthen interaction with women's organizations to ensure that their contributions as well as their needs and priorities are included in the collection and analysis of information to guide conflict prevention strategies and early warning efforts.**

C. Peace processes and negotiations

22. Resolution 1325 (2000) calls on all actors to ensure the full participation of women in peace processes and to adopt gender perspectives when negotiating peace agreements. Various initiatives of Member States, the United Nations and civil society have focused on supporting and increasing the representation of women in peace negotiations and mainstreaming gender perspectives into peace agreements.

23. The Government of the Philippines has sought women's participation in the peace process, involving them in dialogues and workshops to integrate their experiences and perspectives. The Australian Government has provided support to organizations that promote women's participation in peace processes, including the Bougainvillean Women's Forum, which drew up recommendations to further the peace process and to identify post-conflict development priorities. The Canadian International Development Agency has supported Sudanese women on building consensus on a platform for peace. In Sri Lanka, the Government and the Liberation Tigers of Tamil Eelam, supported by Norway, established a subcommittee on gender issues to elaborate gender-sensitive guidelines for the peace process.

24. The Division for the Advancement of Women of the Department of Economic and Social Affairs provided technical support and training to 70 African women leaders on negotiation and mediation skills from 2001 to 2003, to support their integration into formal peace negotiations. The United Nations Children's Fund (UNICEF) advocated the inclusion of gender-specific responses in the peace process in Liberia, and in particular, for the prioritization and recognition of the rights of women and girls associated with fighting forces. In Somalia, UNIFEM helped women to come together across factional lines to define a common agenda for women's role in peace and reconstruction focusing on issues of women's representation.

25. There is increasing recognition that efforts to enhance women's participation at the peace table must be complemented by steps to give systematic attention to gender issues in all aspects of peace processes. Within the United Nations system, in December 2003, the Division for the Advancement of Women, in collaboration with the Department of Political Affairs and the Office of the Special Adviser on Gender Issues, convened an expert group meeting on peace agreements as a means for promoting gender equality in preparation for the forty-eighth session of the Commission on the Status of Women. A framework of model provisions[14] on promoting gender equality was developed, providing a set of standards for mediators, facilitators and funding entities involved in preparing peace agreements. It has been widely disseminated to field offices. During the annual meeting of field presences of the Department of Political Affairs in May 2004, the Special Representatives of the Secretary-General held a special session on gender mainstreaming to exchange field experiences on achievements and obstacles.

26. Indigenous women play a unique role in conflict resolution as mediators and peace builders. At its third session, the Permanent Forum on Indigenous Issues acknowledged these contributions and recommended that United Nations entities integrate the special concerns, priorities and contributions of indigenous women in all aspects of conflict prevention, peace-building and post-conflict reconstruction.

27. The women's movement has made major contributions to building partnerships for peace. In Azerbaijan, Colombia, the Democratic Republic of the Congo, the Great Lakes Region, Liberia, the Middle East, Nepal, Northern Ireland and Somalia, for example, women have worked collaboratively across ethnic and religious lines to make valuable contributions to peace processes. One lesson learned from the peace negotiations in Liberia is that women need to receive early support and training in order to facilitate their active participation in the negotiation of peace agreements. There are also a number of regional and international efforts to support women as peacemakers, for example the Mano River Women's Peace Network, which was awarded the United Nations Prize in the Field of Human Rights in 2003 and the Women's International League for Peace and Freedom.

28. While the impact of the contribution of women to informal peace processes is well known, obstacles to their participation and to the systematic incorporation of gender perspectives in formal peace processes remain. The number of women who participate in formal peace processes remains small. The leadership of parties to conflict is male-dominated and men are chosen to participate at the peace table. The desire to bring peace at any cost may result in a failure to involve women and consider their needs and concerns. In addition, women's organizations often do not

have the resources needed to effectively influence lengthy peace negotiation processes.

29. **I urge Member States, entities of the United Nations and civil society to develop comprehensive guidelines and training initiatives based on the framework of model provisions on promoting gender equality in peace agreements.**[14]

30. **I intend to review recent peace processes and analyse the obstacles to and missed opportunities for women's full participation in peace negotiations and develop strategies accordingly.**

D. Peacekeeping operations

31. The most significant progress in the implementation of resolution 1325 (2000) has been made in the peacekeeping arena. The Special Committee on Peacekeeping Operations has increasingly paid attention to issues concerning women, peace and security and has called for the full implementation of the resolution.[15] In 2000, there was minimal mention of gender issues in peacekeeping mandates and only two gender advisers were assigned to peacekeeping operations. Today, gender concerns are raised in all new peacekeeping mandates and there are 10 full-time gender adviser positions in 17 peacekeeping operations, including those in: Afghanistan, Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Kosovo (Serbia and Montenegro), Haiti, Liberia, Sierra Leone and Timor-Leste as well as in the advance mission in the Sudan. Every new multidimensional peacekeeping operation created since 2000 has included gender advisers. In 2003, Member States approved the creation of a post of gender adviser at the Headquarters level within the Department of Peacekeeping Operations. The gender adviser will work primarily as a catalyst in supporting the mainstreaming of gender perspectives in all offices of the Department; provide ongoing support and policy and operational guidance to gender advisers in the field; and capture and disseminate lessons learned and best practices related to gender and peacekeeping.

32. Gender units and advisers in peacekeeping operations are working to provide technical guidance to the heads of operations, to ensure increased efforts to mainstream gender perspectives into all functional areas of peacekeeping and to increase the participation of women leaders and organizations in the implementation of the mandate of the operation.

33. The incorporation of gender perspectives from the inception of a mandate has proven to be crucial. Gender advisers participated in inter-agency assessment missions conducted prior to the establishment of the mandates of operations in Burundi, Côte d'Ivoire, Haiti and Liberia, which resulted in a better reflection of gender issues in reports submitted to the Security Council prior to the establishment of peacekeeping operations in these four countries and translated into explicit references to gender issues in the ensuing Security Council resolutions. Gender checklists for needs assessments have been developed to guide this process.

34. Training of military, civilian police and civilian peacekeeping personnel on the protection, rights and particular needs of women, as well as the importance of involving women in all peacekeeping functions, has received considerable attention from Member States, the United Nations and civil society. Canada and the United

Kingdom of Great Britain and Northern Ireland have developed a gender training initiative for military and civilian personnel involved in peace support operations that educates personnel on the topic of gender issues. Several other countries, including Argentina, Australia, Germany and Switzerland, reported on measures taken to incorporate gender perspectives in training for personnel involved in peace support operations. Within the United Nations system, the Department of Management has supported a variety of capacity-building initiatives on mainstreaming gender perspectives in peace and security, including in peacekeeping.

35. The Department of Peacekeeping Operations has focused on improving the training materials and tools available to all staff on mainstreaming gender perspectives into their daily work. In 2003, the Department developed gender-awareness training materials for use in pre-deployment and induction training for military and civilian police personnel. In 2004, it produced a "Gender Resource Package for Peacekeeping Operations", providing guidance on gender issues in the various functional areas covered by multidimensional peacekeeping operations. In addition, the United Nations Institute for Training and Research (UNITAR) conducted training on women and children for civilian personnel in peacekeeping operations in Afghanistan, Bosnia and Herzegovina, the Democratic Republic of the Congo, Eritrea, Ethiopia, Kosovo (Serbia and Montenegro) and Timor-Leste.

36. Training for peacekeepers on HIV/AIDS has also progressed under the guidance of the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Department of Peacekeeping Operations. Gender-sensitive HIV/AIDS awareness training is included in induction training, and all peacekeeping operations have either an HIV/AIDS focal point or an adviser and are establishing voluntary counselling and testing facilities. In June 2004, UNAIDS and Department of Peacekeeping Operations undertook a joint mission to Haiti to establish an HIV/AIDS programme before the arrival of the main contingents, setting an important precedent for future operations. In Sierra Leone an inter-agency project on HIV/AIDS training for peacekeepers was undertaken by UNAIDS, the Department of Peacekeeping Operations, the United Nations Population Fund (UNFPA) and UNIFEM.

37. An emerging problem in some peacekeeping operations is the issue of human trafficking. The Department of Peacekeeping Operations developed a policy on human trafficking in 2004 and is producing a package of guidance for peacekeeping operations, supported by the United States of America. The package includes model legislation and awareness-raising materials. It will assist operations, including operations in Kosovo (Serbia and Montenegro) and Timor-Leste, which have already developed legislation on human trafficking but face challenges in implementation, as well as operations, such as the United Nations Assistance Mission in Afghanistan (UNAMA), which support capacity-building of national actors on this issue. The International Organization of Migration (IOM) is working with the United Nations Mission in Kosovo (UNMIK) to combat trafficking through prevention and assistance to trafficked persons, including by providing shelter and assistance with voluntary return home. Up until June 2004, 430 trafficked persons had been assisted by IOM in Kosovo (Serbia and Montenegro).

38. A number of peacekeeping operations have established specific units in police stations to assist victims of sexual violence. For instance, at operations in Kosovo

(Serbia and Montenegro), Sierra Leone and Timor-Leste, United Nations civilian police have created units to improve assistance in the context of specific crimes such as sexual violence, child sexual and physical abuse and domestic violence.

39. Continued attention needs to be paid to the incorporation of gender concerns into the planning of new operations. A more coherent strategy for gender mainstreaming in peacekeeping is needed to increase the understanding of the relevance of gender issues to peacekeeping and to detail how to integrate gender concerns into the various pillars of an operation, including greater attention to data collection and reporting. Experience reveals that gender units in peacekeeping operations are most effective when adequately staffed at sufficiently senior levels and where they have direct access to and support of senior management.

40. **I intend to develop a comprehensive strategy and action plan for mainstreaming gender perspectives into peacekeeping activities at Headquarters and in peacekeeping operations, in particular in the planning of new operations, with specific monitoring and reporting mechanisms, and urge the Security Council to monitor the implementation of the strategy and action plan.**

E. Humanitarian response

41. Resolution 1325 (2000) calls on all actors to respect the civilian and humanitarian character of refugee camps and settlements and to take into account the particular needs of women and girls, in particular in their design. Use of gender analysis should ensure that the different experiences and contributions of women and men are brought into the planning and implementation of emergency relief efforts. Placing refugee and displaced women in decision-making positions and involving them in camp design and management needs to be complemented with skills-building and support. There have been repeated calls for proper individual documentation and registration of women affected by conflict, including refugee women. Despite improvements made in registration, women, including heads of households, may be without the documentation they need to access basic supplies and services.

42. A number of actors have worked to strengthen women's participation and gender mainstreaming in humanitarian situations. Member States have provided assistance in ensuring that gender perspectives are incorporated in humanitarian interventions. A strategy and action plan for promoting gender equality included in Finland's policy for development cooperation for 2003-2007 requires that humanitarian partner organizations have gender expertise and mainstream gender perspectives into their work. Similarly, when supporting humanitarian action, Norway requests implementing partners to incorporate gender perspectives in their efforts.

43. The Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance has developed strategies to ensure that gender perspectives are mainstreamed into all humanitarian activities. In 2003, the Task Force commissioned an external evaluation of gender mainstreaming in the Consolidated Appeals Process. The evaluation noted that gender mainstreaming in the Process was limited, gender analysis was not systematically undertaken and data was not usually disaggregated by sex. Subsequently, the Technical Guidelines and the Needs

Assessment Matrix and Framework for the Consolidated Appeals Process were revised to provide adequate direction concerning gender mainstreaming. Gender experts participated in the training of trainers for facilitators of the Process. In 2004, the Inter-Agency Standing Committee undertook an evaluation of its 1999 gender policy, in which it noted that, while some progress had been achieved in the integration of gender perspectives in all humanitarian protection and assistance activities, important gaps remained, and recommended that the policy be implemented fully.

44. The majority of United Nations agencies working in the humanitarian field have produced policies, guidelines and action plans and supported training efforts on gender mainstreaming. The Office for the Coordination of Humanitarian Affairs has developed a policy and plan of action on gender mainstreaming in humanitarian advocacy and information management, humanitarian policy development, coordination of humanitarian response and resource mobilization. The Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) have jointly produced guidelines on socio-economic and gender analysis in emergency and rehabilitation programmes to assist staff at Headquarters and in the field to integrate gender perspectives into all phases of the emergency project cycle, including needs assessment, project formulation, targeting and monitoring and evaluation. Gender policies and guidelines, which have long been in place in humanitarian agencies, need to be operationalized and monitored and accountability mechanisms established or reinforced.

45. In 2002, an independent 10-year assessment of the implementation of the policy and guidelines of the Office of the United Nations High Commissioner for Refugees (UNHCR) on refugee women was conducted by the Women's Commission for Refugee Women and Children. UNHCR is now updating its policy and guidelines to reflect the recommendations of the assessment. A mainstreaming methodology based on gender and age is being tested in 10 countries. This process actively engages refugees in planning, implementation, monitoring and data collection on the gender and age dimensions of displacement and the related protection risks. The United Nations High Commissioner for Refugees also made five commitments to refugee women, principal among which is to ensure 50 per cent representation of women in refugee management committees. Field operations have reported difficulties in achieving quality participation owing to persistent gender discrimination.

46. Greater coordination among United Nations entities, non-governmental organizations (NGOs) and refugee and displaced women's groups is needed. While the Consolidated Appeals Process has worked to improve the incorporation of gender concerns, gender mainstreaming and women-specific programmes remain underfunded.

47. **I urge Member States and entities of the United Nations to:**

(a) Strengthen the incorporation of gender perspectives in the Consolidated Appeals Process and ensure routine monitoring of the Process from a gender perspective, including the financial resources provided;

(b) Establish a coordinated humanitarian response monitoring system with specific indicators to determine attention to gender perspectives at field level.

F. Post-conflict reconstruction

48. In resolution 1325 (2000), the Secretary-General called on all actors to incorporate gender perspectives in post-conflict reconstruction efforts and to take into consideration the special needs of women and girls. In its presidential statement (S/PRST/2002/32), the Security Council reaffirmed the importance of gender mainstreaming in post-conflict reconstruction and encouraged the development of targeted activities, focused on the specific constraints facing women and girls in post-conflict situations, including their lack of land and property rights and access to and control over economic resources.

49. The need to include gender perspectives in the rebuilding and reforming of the judicial, legislative and electoral sectors in countries emerging from conflict has received increased attention in the last few years. In my report on the rule of law and transitional justice in conflict and post-conflict societies,[16] I specifically recommended that the differential impact of conflict and rule of law deficits on women and children be recognized and that all initiatives ensure gender sensitivity in restoration of rule of law and transitional justice, as well as the full participation of women.

50. The Convention on the Elimination of All Forms of Discrimination against Women provides the basis for realizing equality between women and men and creates obligations for States parties to take all appropriate measures towards this end. Of the countries with United Nations peace support missions, all but Somalia and the Sudan have ratified the Convention; however, a large number of them have never reported on the implementation of the Convention or their reports are overdue. The Division for the Advancement of Women is implementing technical assistance activities with several countries emerging from conflict, including Afghanistan, Sierra Leone and Timor-Leste with financial support from New Zealand. UNIFEM based its support for constitutional, legal, electoral and administrative reform in Afghanistan, Iraq, Rwanda and Timor-Leste on the Convention.

51. A conference on gender justice in post-conflict situations, co-organized by UNIFEM and the International Legal Assistance Consortium, was held in September 2004, bringing together a wide range of women in legal and judicial positions from conflict-affected countries and representatives from Member States, the entities of the United Nations, NGOs and civil society. The conference provided a platform for views on critical gender justice concerns, best practices and actions required to ensure gender-responsive institutional and legal reforms in countries emerging from conflict.

52. While it is recognized that truth and reconciliation commissions facilitate the healing process in post-conflict societies, the involvement of women in these processes, and the degree to which the processes address the needs and concerns of women, is not well known. In Timor-Leste, the Commission on Reception, Truth and Reconciliation highlighted the impact of the conflict on women and held a public hearing dedicated to women's experiences. Concerns were raised, however, that there was insufficient time and support provided to women victims asked to provide testimony to the Commission. Fears of reprisals by victims and witnesses may hamper women from coming forward and telling their personal stories. The Truth and Reconciliation Commission of Sierra Leone is in the process of finalizing

its report, which should provide greater insights on women's participation and the inclusion of their concerns, or lack thereof, in the proceedings of the Commission. More information is needed on how these commissions directly or indirectly support women as well as on other mechanisms used by women to promote healing from the suffering faced during conflict.

53. At a meeting in Skopje in January 2003, Ministers of the Council of Europe's Steering Committee for Equality between Women and Men agreed that if women were not fully involved in rebuilding democracy, efforts to create a stable society were likely to fail. Policy guidelines were drawn up for incorporating gender perspectives into all activities related to peace and security, including democracy-building and eliminating policies that marginalize women, such as family voting at elections. The Development Assistance Committee (DAC) Network on Gender Equality of the Organization for Economic Cooperation and Development (OECD) held a joint workshop with the United Nations Inter-Agency Network on Women and Gender Equality entitled "Gender and post-conflict reconstruction: lessons learned from Afghanistan". The meeting identified good practices and lessons learned from promoting gender equality in post-conflict reconstruction, drawing on experiences from Afghanistan and other post-conflict contexts.

54. Women have increasingly participated in the formulation of new constitutions. In Afghanistan, women were involved in the drafting of the new constitution and held approximately 100 seats, or 20 per cent, of the 500 seats of the constitutional *Loya Jirga*, a major advance compared with the constitutional *Loya Jirgas* in 1964 and 1977 when only 4 and 12 women participated, respectively.[17] The Afghan constitution adopted on 4 January 2004 provides for equal rights before the law.

55. Elections can provide an opportunity for change, including for the increased participation of women and the integration of gender perspectives in democratic electoral processes in post-conflict situations. A notable example is Rwanda where the constitution set aside 24 of 80 seats for women in the Chamber of Deputies, the lower house of Parliament. In the October 2003 elections, women won an additional 15 seats bringing the total number of women in the Chamber to 39. Women now hold nearly 49 per cent of the seats, a greater proportion than in any other parliament worldwide.[18]

56. The United Nations assists the holding of democratic elections in countries emerging from conflict. In January 2004, the Department of Political Affairs and the Office of the Special Adviser on Gender Issues convened an expert group meeting at which obstacles, lessons learned and good practices on women's participation in electoral processes in post-conflict countries were analysed. A set of briefing notes on ways to ensure women's participation throughout the electoral process are under preparation.[19]

57. The United Nations Assistance Mission in Afghanistan (UNAMA) has instituted a number of measures to ensure that women participate in all aspects of the electoral process, including registration. Some 4,000 single-sex voter registration sites have been set up and a public information campaign was launched including posters and leaflets that urged women to register to vote and participate in the reconstruction of the country. Nearly half of the 14,000 registration workers are women. As of September 2004, some 10.5 million voters were registered, with women accounting for approximately 41 per cent of that total. In accordance with

the new constitution, on average, two seats per province will be held by women, or 68 of the total 249 seats in the lower house.[20]

58. Beyond ensuring that women register to vote, women running for office need skills building and support. Political parties need to have internal democratic and transparent nomination procedures and adopt voluntary targets or quotas for women on their candidate lists. One area vital to women's full participation, and one often overlooked, is the involvement of women in electoral management bodies. In Iraq, the presence of women in the electoral management body has been a critical element in ensuring that women can participate and that their needs and priorities are addressed at all stages of the process.

59. Member States, United Nations entities and other actors have also made efforts to ensure that gender perspectives are incorporated in social and economic reconstruction efforts. The United Nations Development Group has been working with UNIFEM to promote the incorporation of gender issues as a cross-cutting theme in the needs assessment processes in countries emerging from conflict, including Haiti, Iraq, Liberia and the Sudan. Sector-specific gender checklists, covering areas such as health, education, shelter and employment, were developed and utilized. The Food and Agriculture Organization of the United Nations (FAO) has incorporated gender perspectives in policies and programmes for sustainable agriculture and rural development in post-conflict settings. In Kosovo (Serbia and Montenegro), FAO supported training of rural development officers on gender analysis with the Ministry of Agriculture, Forestry and Rural Development. In Iraq, UN-Habitat delivered some 22,000 housing units to displaced populations, targeting mainly war widows, and conducted training on gender issues with local government officials. The International Labour Organization (ILO) has worked to incorporate gender perspectives in employment, income generation and skills training in post-conflict situations.

60. Targeted support has also been provided for women's groups and networks in post-conflict situations by Member States, United Nations entities and NGOs. The United Nations regional commissions in Africa and Western Asia provided assistance to skills building in women's groups and networks and supported national machineries in countries emerging from conflict.

61. Member States and other actors have an important role in ensuring that funds are available for initiatives aimed at promoting gender equality. In Afghanistan, several Member States have funded projects for women and girls, including Belgian Development Cooperation, which provided funding for the strengthening of the Ministry for Women's Affairs. The United States has allocated funding for projects that assist women with democratic organization and advocacy. The World Bank has supported a number of gender initiatives through its Post Conflict Fund.

62. A majority of reconstruction efforts do not, however, systematically include gender perspectives into initial surveys, appraisals and needs assessments of programmes and projects; target initiatives for women and girls; or include a gender analysis of budgets. Without such measures, reconstruction efforts may not identify or address gender-specific problems relating to issues such as land, property and inheritance rights, health, education, employment or security concerns. Sustained attention by national and international partners is needed to ensure gender analysis is systematically utilized when developing reconstruction strategies and programmes.

63. I urge Member States, United Nations entities and civil society to:

(a) Develop approaches and guidelines and guidelines for ensuring that all programmes and policies in support of the rule of law, including constitutional, judicial and legislative reform, promote gender equality and women's human rights;

(b) Systematically use the Convention on the Elimination of All Forms of Discrimination against Women as a guiding framework in programmes and other support in post-conflict countries;

(c) In consultation with women and girls, plan and implement specific initiatives for women and girls and systematically incorporate gender perspectives in the planning, implementation and monitoring of all reconstruction programmes and budgets to ensure that women and girls benefit directly from resources mobilized through multilateral and bilateral sources.

64. I intend to review the extent to which women have participated and their concerns have been met in truth and reconciliation processes and make recommendations to guide the development of future reconciliation processes.

65. I also intend to set indicators and benchmarks for women's equal participation in all aspects of elections process, based on a review of good practice.

G. Disarmament, demobilization and reintegration

66. Disarmament, demobilization and reintegration programmes have increasingly acknowledged and provided support to women and girls as combatants, abductees, supporters of armed groups, wives and dependants of male combatants and as community members to provide assistance both in disarming fighters and reintegrating them into families and communities, as encouraged in resolution 1325 (2000). In September 2003, in its resolution 1509 (2003) on Liberia the Security Council called, for the first time, for a disarmament, demobilization and reintegration programme that specifically included attention to the special needs of children and women. In 2004, stronger resolutions on Burundi, Côte d'Ivoire and Haiti called for the needs of women and children associated with armed groups to be comprehensively included in disarmament, demobilization and reintegration programmes.

67. Some progress has been made on incorporating gender perspectives in the disarmament, demobilization and reintegration programmes in the Democratic Republic of the Congo, Liberia and Sierra Leone and, very recently, in planning under way in the Sudan. However, in general, disarmament, demobilization and reintegration programmes remain primarily focused on male ex-combatants even though women and girls are involved in all aspects of armed groups, either voluntarily or forcibly. The use of gender analysis is crucial to understanding the different needs, concerns and contributions of women and men, girls and boys, although it has not been consistently or effectively used in planning, implementing and evaluating disarmament, demobilization and reintegration programmes.

68. In April 2003, the Department of Disarmament Affairs prepared a gender mainstreaming action plan for the work of the Department. Its implementation will be systematically monitored and reported on. The United Nations Institute for Disarmament Research (UNIDIR) has dedicated an issue of *Disarmament Forum* to women, men, peace and security, which provides further insight into how women and men participate in and are affected by conflict.

69. Under the auspices of the Department of Peacekeeping Operations, UNIFEM drafted standard operating procedures on gender and disarmament, demobilization and reintegration, which provide field-based guidance on incorporating the needs and concerns of women and girl combatants in peace agreements and utilizing gender analysis in the planning of disarmament, demobilization and reintegration, including in the social reintegration of combatants into communities. The United Nations Mine Action Service of the Department of Peacekeeping Operations is developing a guide to gender mainstreaming for mine action. UNICEF has completed the mine risk education component of the International Mine Action Standards, which includes gender-specific standards to which all United Nations entities and their operational partners should adhere. UNICEF coordinates all disarmament, demobilization and reintegration programmes for children associated with fighting forces and armed groups. Girls remain disadvantaged both in their access to demobilization and in their reintegration into communities. Many girls who become pregnant during armed conflict face stigmatization on return.

70. In the Sudan, the United Nations Development Programme (UNDP) has employed a gender adviser who works directly with national counterparts to ensure gender concerns are fully integrated in the planning of the comprehensive disarmament, demobilization and reintegration programme. These initiatives should be monitored closely to ascertain their effectiveness and documented, where appropriate, as good practices.

71. The involvement of women and women's groups in all aspects of disarmament, demobilization and reintegration programmes should be strengthened, including their involvement in arms collection. Increased attention must be paid to procedures that verify eligibility of women and girls associated with fighting forces. Separate procedures should be established to ensure that women and girls who have been involved in armed conflict receive medical care and psychosocial support.

72. **I call on Members States, entities of the United Nations system and NGOs to develop guidelines, based on a review of good practice, on increasing attention to the needs and contributions of women and girls in disarmament, demobilization and reintegration programmes and to monitor and report regularly on their implementation.**

III. Preventing and responding to gender-based violence in armed conflict

73. In its resolution 1325 (2000), the Security Council called on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict. The resolution has contributed to increased recognition of the escalation in scope and intensity of sexual and gender-based

violence as one of the most visible and insidious impacts of armed conflict on women and girls and of the need for improved prevention and protection mechanisms.

74. Faced with massive incidents of gender-based violence during armed conflicts, Member States, entities of the United Nations system and civil society have focused on addressing the consequences of violence against women and girls. Thus far, the international community has not been able to prevent acts of violence against women from occurring during armed conflict. Early warning mechanisms either do not exist, or we have not been able to respond effectively to indications of impending hostilities.

75. My reports to the Security Council on the protection of civilians in armed conflict,[21] children and armed conflict[22] and country-specific reports provide stark and disturbing evidence of gender-based violence and of the fact that compliance of parties to conflict with international humanitarian, human rights, refugee and criminal law remains woefully inadequate.

76. Gender-based violence is a form of discrimination that seriously inhibits the ability of women to enjoy their rights and freedoms on a basis of equality with men. The unacceptable violence against women and girls in peacetime is further exacerbated during armed conflict and in its aftermath. Both State and non-State actors are responsible for severe violations of women's human rights, including killings, abductions, rape, sexual torture and slavery, as well as denial of access to food and health care, with dramatic consequences. Although the occurrence of violence against women in armed conflict is now increasingly acknowledged and widely documented, our collective response, as measured against the magnitude of this violence, remains inadequate. The facts on the ground point to our collective failure in preventing such violence and protecting women and girls from the horrors of gender-based violence and heinous violations of international human rights, criminal and humanitarian law. Sexual and gender-based violence has been recently reported in Afghanistan, Burundi, Chad, Côte d'Ivoire, the Democratic Republic of the Congo and in Darfur, the Sudan.[23]

77. States on whose territory conflict and its resulting evils of war crimes, genocide, sexual violence and gender-based crimes occur have the primary responsibility for the protection of women and children. Where a State is unable or unwilling to provide protection and assistance to its citizens, the United Nations system is increasingly called upon to work with Member States to develop an integrated response. In several instances, the Security Council has expanded the mandates of multidimensional peacekeeping operations to assist in carrying out protective and monitoring functions to address the security challenges and threats to women and girls. However, factors such as delay in deployment, low numbers of peacekeepers or insufficient financial resources have hampered the successful implementation of such mandates.

78. The United Nations system has established and implemented strategies and programmes to prevent, monitor and respond to gender-based violence. Human rights observers from the United Nations system, regional organizations such as the African Union and the Organization for Security and Cooperation in Europe, NGOs and civil society are critical for ensuring women's rights violations are monitored and reported on and for investigating allegations of sexual violence. The Office of the United Nations High Commissioner for Human Rights intensified its efforts to

monitor and report on gender-based violence, and human rights officers are now a standard component in new peace operations. Within the framework of their mandates, the Special Rapporteurs of the Commission on Human Rights have paid particular attention to the occurrence of gender-based violence, the special vulnerability of displaced women, the needs of women heads of household in times of war, the role of women in conflict resolution and the situation of women in countries in transition. The Special Rapporteur on violence against women, its causes and consequences, has a particularly important role to play in this regard. Since 2000, an annual report[24] has been presented to the Subcommission on the Promotion and Protection of Human Rights, outlining new developments in international criminal, human rights and humanitarian law on the issue of systematic rape, sexual slavery and slavery-like practices in situations of armed conflict.

79. Efforts to monitor and report gender-based violence in situations of armed conflict must be complemented by practical measures to end impunity and to bring those who are responsible for abhorrent crimes against women and girls to justice. International humanitarian, human rights and criminal law provides a solid framework of protection of individuals affected by armed conflict. More recently, this framework has been significantly strengthened to address crimes of sexual and gender-based violence experienced by women and girls. The establishment of the International Criminal Court holds promise for meaningful accountability for gender-based crimes against women in armed conflict. The formal referrals from the Governments of Uganda and the Democratic Republic of the Congo will provide opportunity for the Court to implement its statute, which includes provisions for improved investigation of gender-based crimes, protection of female witnesses, appointments of advisers with legal expertise on sexual and gender violence and direct participation of the victims in the proceedings of the Court.

80. The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have broken new ground in the area of jurisprudence on sexual violence under international law. While both Tribunals have charged a number of individuals for crimes that involved either rape or sexual assault, progress in carrying out investigations and creating systems to protect victims and witnesses has not been commensurate with the requirements of timely justice, thus resulting in few guilty verdicts.[25] The Special Court for Sierra Leone has included crimes of sexual violence in a number of its indictments. The Court includes two gender crimes investigators and has conducted gender sensitivity training for its investigation teams.

81. While the International Tribunals have played an important role by providing a direct form of accountability for perpetrators of gender-based crimes, it is critical that States recognize their responsibility and have the capacity to enforce law, end impunity, prosecute perpetrators of violence and provide redress and compensation to survivors of gender-based violence.

82. Many Member States, United Nations entities, including the Office for the Coordination of Humanitarian Affairs, UNICEF, UNFPA, UNHCR, UNIFEM and the World Health Organization (WHO), and international and national NGOs have conducted training programmes for their staff, partners and local populations on the prevention of sexual and gender-based violence, and appropriate care for survivors. In 2003, UNHCR revised its 1995 guidelines on sexual and gender-based violence to better reflect lessons learned through field-based practice. Inter-agency task

forces on gender-based violence have been established in some refugee settings to coordinate multisectoral responses and set local protocols for interventions.

83. In Rwanda, Belgium and other international donors have supported programmes for survivors of physical and sexual abuse resulting from the genocide. In Haiti, under the leadership of the Ministry for the Status of Women, United Nations entities have emphasized the need to strengthen coordinated actions on prevention and support to victims of gender-based violence. UNFPA provided Governments and implementing partners with emergency reproductive health kits in order to treat survivors for sexually transmitted infections and other consequences of sexual violence. Health partners in some refugee situations are equipped to care for survivors of violence with HIV/AIDS, but this is not a universal practice.

84. Innovative strategies need to be developed to ensure compliance with international humanitarian and human rights law by a variety of actors, including the military and non-State armed groups. Parties to conflict must be forcefully reminded of their responsibilities to protect women and girls and to cease their attacks on civilians or face sanctions. Member States need to send stronger signals to parties to conflict that gender-based violence will be investigated and perpetrators will be prosecuted.

85. One of our key challenges is to bring perpetrators of violence against women to justice through international tribunals, mixed tribunals and national courts. To ensure effective prosecution of gender-based violence, witness and victim protection programmes need to become more effective, and judges, prosecutors and investigators need to be trained on gender issues.

86. The consistent provision of human and financial resources to deliver care to women victims of violence as well as ongoing training for all actors continues to be of critical importance. Deploying human rights and other monitors at an early stage can serve as a potential deterrent to violence. Effective monitoring and reporting mechanisms to gather timely and accurate data on gender-based violence are essential both in terms of identifying potential situations of armed conflict and providing information on the perpetrators of violence.

87. **I submit the following actions for the attention of the Security Council, Member States, United Nations entities and other relevant bodies:**

(a) Apply increased pressure on parties to armed conflict, including during missions and peace negotiations, to cease all violations of the human rights of women and girls, including sexual and gender-based violence;

(b) End impunity for genocide, crimes against humanity and war crimes, including sexual and gender-based violence, and ensure that international and national courts have adequate resources, access to gender expertise, gender training for all staff and gender-sensitive programmes for victim and witness protection in order to more effectively prosecute those responsible for such crimes;

(c) Ensure that human rights and other monitors have gender expertise, conduct gender-responsive investigations and report findings systematically to the Council.

88. **I call on the General Assembly to ensure adequate human and financial support to programmes that provide care and support through legal, economic, psychosocial and reproductive health services to survivors of gender-based violence.**

IV. Enhancing implementation

89. The following issues need to be specifically addressed in order to further enhance the implementation of resolution 1325 (2000) in all areas discussed above.

A. Gender balance in recruitment

90. Increasing women's representation in decision-making and expanding the roles and contributions of women in peace and security issues was a major element of resolution 1325 (2000). Many Member States reported on national initiatives designed to improve gender balance and representation of women in civilian and uniformed services and to increase their participation in international peace operations. Denmark has developed a long-term strategy for the recruitment of women in armed forces. In France, the percentage of women in the military increased from 6.9 per cent in 1998 to 13 per cent in 2004. Germany opened all career tracks to women in the armed forces. Spain has a number of highly qualified women participating as international observers in electoral processes, and 15 per cent of its personnel serving in peace operations are women. The United Kingdom has been actively deploying female officers to peace operations, including as senior gender experts to Iraq. Several other countries, including Argentina, Australia, Malawi and Switzerland, also reported on efforts to actively recruit more women to serve in international peace operations. A senior Australian policewoman served as the United Nations Police Commissioner in Timor-Leste from June 2003 to May 2004.

91. As of June 2004, women constituted 1 per cent of military personnel and 5 per cent of civilian police personnel assigned by Member States to serve in United Nations peacekeeping operations. These figures remain unchanged since 2002. With regard to international civilian staff administered by the Department of Peacekeeping Operations,[26] women constituted 27.5 per cent overall, and 12 per cent at the D-1 level and above, up from 24 and 4.2 per cent respectively in 2002.[27]

92. Resolution 1325 (2000) called for the appointment of more women as special representatives and envoys. Currently, out of 27 peace operations, 2 are headed by women: ONUB and the United Nations Observer Mission in Georgia (UNOMIG). Three women serve as deputy Special Representatives in the United Nations Verification Mission in Guatemala (MINUGUA), UNAMA and the United Nations Observer Mission in Georgia (UNOMIG).

93. In order to encourage female candidates to apply for peacekeeping operations, the Department of Peacekeeping Operations has introduced specific language into vacancy announcements, targeting professional women's organizations. The Department has also made efforts to increase the representation of women among uniformed personnel serving under United Nations auspices, including by highlighting the need for greater numbers of women, when corresponding with

troop- and police-contributing countries. Efforts should be made by Member States to increase the representation of women in military and police contributions and strive for levels commensurate with respective national representation.

94. Within humanitarian entities in the United Nations system, as of August 2004, none of the 18 humanitarian coordinators was a woman. At UNHCR and the World Food Programme (WFP), women constitute 40 per cent of professional staff, making up 23 and 26 per cent, respectively, at senior levels. Individual agencies have made commitments to ensure the representation of women on their staff. At least 50 per cent of the staff recruits and 75 per cent of all local food aid monitor recruits at WFP are to be qualified women. The Office of the Special Adviser on Gender Issues and Advancement of Women has also encouraged the broadening of the recruitment base for peace operations to cover international and national professional and civil society organizations and has regularly supplied lists of suitable women candidates for special representatives and envoy posts and for regular peace operations staff to the Department of Peacekeeping Operations, the Department of Political Affairs and the offices of the Special Representatives of the Secretary-General.

95. Within the resident coordinator system, which includes organizations of the United Nations system dealing with operational activities for development in post-conflict reconstruction, the representation of women was 21 per cent as of August 2004 (26 of 122).

96. Mechanisms to target women in the recruitment process for senior-level posts in all areas of peace and security need to be strengthened. These include: the use of specialist headhunting agencies; allocation of funds for outreach activities to attract women candidates; and the further development of a database of precertified women candidates.

97. While recruitment of women at senior level is critical, a clear understanding of gender perspectives in peace and security should become a key criteria for recruitment of all senior and middle-level staff. Training on gender issues should be provided to all staff at decision-making levels, men as well as women. Predeployment briefing of Special Representatives of the Secretary-General is critical.

98. I call on Member States, United Nations entities and civil society organizations to:

(a) Further analyse the obstacles to increasing women's representation in peace operations and humanitarian response and develop and implement recruitment strategies aimed at increasing the number of women, particularly in decision-making positions, including in military and civilian police services;

(b) Create a pool of precertified female candidates for senior level positions to ensure rapid deployment.

B. Preventing and responding to sexual exploitation and abuse by humanitarian and peacekeeping personnel

99. Sexual exploitation and abuse are forms of gender-based violence that can be perpetrated by anyone in a position of power or trust.[28] The involvement of United Nations personnel, whether civilian or uniformed, in sexual exploitation and sexual

abuse of local populations is particularly abhorrent and unacceptable and a serious impediment to the achievement of the goals of resolution 1325 (2000) on the protection of women and girls. In May 2004, the United Nations Mission in the Democratic Republic of the Congo (MONUC) uncovered allegations of sexual exploitation and abuse, including of minors, by civilian and military personnel in Bunia. Such abuses must be prevented and the perpetrators must be held accountable.

100. Initiatives have been taken by some Member States to address sexual exploitation and abuse. Finland has developed a code of conduct for peacekeeping missions that includes information on sexual exploitation and forbids the use of prostitutes. The code of conduct is monitored and immediate action taken in the case of any violation.

101. The United Nations, working with NGOs, has instituted a number of measures to address sexual exploitation and abuse by personnel. The Inter-Agency Standing Committee created the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, co-chaired by the Office for the Coordination of Humanitarian Affairs and UNICEF, which led to the issuance of a Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse.[28] The Task Force developed a number of tools to facilitate the implementation of the bulletin such as implementation guidelines, model information sheets on sexual exploitation and abuse for local communities and model complaints forms. In addition, focal points on sexual exploitation and sexual abuse are to be appointed in each United Nations entity and NGO at country level, creating a network to ensure the full implementation of the bulletin in both emergency and development contexts.

102. The Department of Peacekeeping Operations has made progress in implementing the Secretary-General's bulletin in peacekeeping operations through improved training materials, complaints mechanisms and the production of a compilation of its disciplinary directives for civilian, military and civilian police personnel. In addition, MINUSTAH, MONUC and ONUB now have Personnel Conduct Officer positions to support mission efforts to address misconduct. The Department is currently conducting a review of its procedures for addressing sexual exploitation and abuse, including human trafficking, with a view to improving its ability to prevent, identify, respond to and report on this problem, as well as to advocate with Member States on their role in addressing this issue. However, significant challenges remain.

103. **I reaffirm my conviction that sexual exploitation and sexual abuse are totally unacceptable forms of behaviour and reiterate my commitment to the full implementation of the special measures for protection from sexual exploitation and sexual abuse as set forth in my bulletin. I further urge Member States, intergovernmental and regional organizations, international and national aid and civil society organizations to apply the same standards to peacekeeping personnel, including military and civilian police.**

C. Coordination and partnership

104. Coordination is critical to ensure complementarity among all actors and effective use of resources. Member States, United Nations entities and non-

governmental and civil society actors at all levels have worked together in innovative ways to implement resolution 1325 (2000). Spearheaded by Canada, an informal group of approximately 25 Member States, the "Friends of Women, Peace and Security", acts as an advocate for and supports intergovernmental coordination, allocation of resources and acceleration of implementation of resolution 1325 (2000) by United Nations entities.

105. In recognizing that effective institutional arrangements and improved collaboration can significantly contribute to the full implementation of resolution 1325 (2000), a number of Member States have set up working groups and task forces at the national level. In 2001, Canada created the Canadian Committee on Women, Peace and Security, which is a national coalition, comprised of parliamentarians, civil society representatives and government officials that focuses on advocacy, capacity-building and training. In Colombia, the Ministry of Foreign Affairs, in collaboration with the Presidential Advisory Office on Gender Equality, set up a working group on women, peace and security, which supports women's participation related to the promotion of peace in Colombia. In 2003, the Ministries of Defense, Foreign Affairs and the Interior and Kingdom Affairs of the Netherlands established a task force on women in conflict situations and peacekeeping, which is charged with implementing resolution 1325 (2000). In Norway, a forum comprised of representatives from relevant ministries and members of civil society has been established to follow up the implementation of resolution 1325 (2000). In Azerbaijan, a national "Coalition 1325", comprised of women parliamentarians, NGOs and media representatives, has been established to raise awareness of resolution 1325 (2000) and women's role in decision-making processes, including in conflict resolution and peace-building.

106. I have requested my Special Adviser on Gender Issues and Advancement of Women to play a lead advocacy role and to promote a wide variety of actions in support of gender mainstreaming, including on peace and security. My Special Adviser has provided regular updates on women, peace and security issues to the Executive Committee on Peace and Security and has urged that gender equality issues be incorporated in discussions and recommendations. To support my Special Adviser, the Finnish Government provided funding support for a full-time P-5 position to work on peace and security for one year.[29]

107. My Special Adviser also chairs the Inter-Agency Task Force on Women, Peace and Security of the Inter-Agency Network on Women and Gender Equality, which is comprised of 20 United Nations entities, with 5 NGOs as observers. The Task Force has ensured a coordinated approach to gender mainstreaming in peace and security activities within the United Nations, supported and monitored implementation of resolution 1325 (2000) and carried out liaison activities with Member States and NGOs. It facilitated the development of gender checklists for needs assessments and a roster of gender experts. It is critical that my Special Adviser and the Inter-Agency Task Force continue to play a catalytic role in promoting full implementation of resolution 1325 (2000), in close coordination with all entities working on peace and security.

108. The inter-agency task forces under the umbrella of the Inter-Agency Standing Committee on gender and humanitarian response and protection from sexual exploitation and abuse as well as the United Nations Mine Action Service gender working group, are also good examples of United Nations coordination efforts to mainstream gender issues into substantive work areas.

109. In post-conflict countries United Nations theme groups on gender equality, for example in Afghanistan, have achieved some success in providing a platform for joint planning among United Nations entities, governmental and non-governmental actors. However, more efforts are needed to strengthen such theme groups to facilitate systematic and effective inter-agency coordination and attention to gender perspectives at the field level in post-conflict countries.

110. Resolution 1325 (2000) has been an effective advocacy tool, which has galvanized actors at different levels to develop alliances and partnerships and work in a coordinated manner to support its implementation. This momentum needs to be reinforced and sustained. Enhanced coordination with regional and subregional intergovernmental entities and at the local level with women's groups and networks is needed in order to maximize progress in the incorporation of gender perspectives in the promotion of peace and security.

111. **I call on Member States, entities of the United Nations, NGOs and civil society to:**

(a) **Enhance coordination to facilitate the implementation of resolution 1325 (2000) at all levels in developing partnerships with key actors at the regional level and with women's groups and networks at the local level;**

(b) **Strengthen gender theme groups in countries emerging from conflict by ensuring clear mandates and authority, staff with sufficient levels of seniority and expertise, adequate resources and access to senior managers.**

D. Monitoring and reporting

112. An analysis of gender perspectives in 264 of the reports of the Secretary-General to the Security Council prepared from January 2000 to September 2003 revealed that only 17.8 per cent of the reports made multiple references to women and gender concerns, while 15.2 per cent made minimal reference and 67 per cent of the reports made no or only one mention of women or gender issues.[30] The majority of reports referring to gender issues described women and girls primarily as victims of armed conflict and not as potential actors in early warning, reconciliation, peace-building or post-conflict reconstruction. A checklist to support improved reporting on gender issues in the reports of the Secretary-General was widely disseminated to peace support operations at headquarters and in the field. The analysis was updated in July 2004. In the first six months of 2004, a trend of improved reporting was noted, with 23.5 per cent of reports having multiple references to gender issues.

113. It is important to continue to ensure that all reports to the Security Council make appropriate reference to gender perspectives and the advancement of women, including by providing data disaggregated by sex and age. The Council is urged to monitor the incorporation of gender perspectives in reports that provide an important basis for resolutions adopted.

114. **I intend to routinely incorporate gender perspectives in all thematic and country reports to the Security Council and continue to monitor the progress made.**

115. **I urge the Security Council to review the issue of women, peace and security on an annual basis.**

E. Information dissemination and exchange

116. Resolution 1325 (2000) has been broadly disseminated and utilized and has been translated into approximately 60 languages.[31] Member States, United Nations entities and NGOs have held numerous conferences to increase awareness of the resolution and have produced a wide range of practical resources to assist policy makers, actors at the field level and the general public on gender issues in peace and security. The Ministry of Foreign Affairs of Denmark, in cooperation with the Committee on International Gender Equality, hosted a conference on "Women, Peace and Security" in Copenhagen in September 2004. A number of Member States, including Canada, the Netherlands, Senegal, Sweden and the United Kingdom, prepared, or are in the process of launching, major reports on women and peace and security which will guide national policy initiatives related to women's roles in conflict prevention, conflict resolution and post-conflict reconstruction.

117. Within the United Nations system, UNIFEM has created a web portal[32] as a centralized repository of information on women, peace and security. The International Research and Training Institute for the Advancement of Women (INSTRAW) has developed a special collection of information resources on gender aspects of conflict and peace.[33] An inventory of resources, including operational guidelines, training materials, manuals and reports on the different thematic areas concerning women, peace and security, produced by 20 United Nations entities, was compiled by the Inter-Agency Task Force on Women, Peace and Security. In the area of awareness raising and advocacy, the Department of Public Information has underscored the issue of women as peacemakers as one of the top 10 unreported stories.

V. Conclusions and the way forward

118. In the four years since the adoption of resolution 1325 (2000), there has been a positive shift in international understanding of the impact of armed conflict on women and girls and the importance of women's participation as equal partners in all areas related to peace and security. Member States, United Nations entities and civil society actors have made significant strides in implementing the resolution, including by incorporating gender perspectives in policies, programmatic tools and capacity-building activities. The real test of the adequacy of these efforts is, however, in their impact on the ground. In no area of peace and security work are gender perspectives systematically incorporated in planning, implementation, monitoring and reporting. The peacekeeping and humanitarian arenas have seen the most dramatic improvement in terms of new policies, gender expertise and training initiatives. An outstanding challenge is increasing the number of women in high-level decision-making positions in peacekeeping operations. In the areas of conflict prevention, peace negotiations and post-conflict reconstruction, women do not participate fully and more needs to be done to ensure that the promotion of gender equality is an explicit goal in the pursuit of sustainable peace.

119. The protection and promotion of the human rights of women and girls in armed conflict is a pressing challenge. The reality on the ground is that humanitarian and human rights law are blatantly disregarded by parties to conflicts and that women and girls continue to be subject to sexual and gender-based violence and other human rights violations. Much more sustained

commitment and effort, including partnerships with men and boys, is required to stop the violence, end impunity and bring perpetrators to justice.

120. **Much of the work on increasing attention to gender perspectives, protecting the human rights of women and promoting women's participation has been done on an ad hoc basis through voluntary contributions. Inadequate specific resource allocations have contributed to slow progress in the implementation of the resolution in practice. We must ensure that regular budgetary resources are specifically allocated for both gender mainstreaming and initiatives targeted at women and girls.**

121. **Resolution 1325 (2000) holds out a promise to women across the globe that their rights will be protected and that barriers to their equal participation and full involvement in the maintenance and promotion of sustainable peace will be removed. We must uphold this promise. To achieve the goals set out in the resolution, political will, concerted action and accountability on the part of the entire international community are required. I urge the Security Council, Member States, United Nations entities and civil society organizations to reaffirm their commitment and strengthen efforts to fully implement resolution 1325 (2000), and call for regular monitoring of its implementation through the Security Council.**

Notes

[1] The Member States responding to the note verbale were: Argentina, Australia, Azerbaijan, Belgium, Burkina Faso, Canada, Colombia, Denmark, France, Finland, Germany, Kyrgyzstan, Malawi, Malta, the Netherlands, Norway, Panama, the Philippines, the Russian Federation, Senegal, Spain, Sweden, Switzerland, the United Kingdom and the United States of America.

[2] United Nations entities responding to the questionnaire were: Department for Disarmament Affairs, Department of Economic and Social Affairs, Department of Management, Department of Peacekeeping Operations, Department of Political Affairs, Department of Public Information, Economic Commission for Africa, Economic and Social Commission for Western Asia, Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Civil Aviation Organization, International Civil Service Commission, International Telecommunication Union, Joint United Nations Programme on HIV/AIDS, Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Human Rights, Office of Legal Affairs, United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Development Fund for Women, United Nations Development Programme, Office of the United Nations High Commissioner for Refugees, United Nations Institute for Disarmament Research, United Nations Institute for Training and Research, United Nations International Research and Training Institute for the Advancement of Women, United Nations Population Fund, United Nations University, World Bank, World Food Programme, World Health Organization, World Meteorological Organization and International Organization for Migration.

[3] S/2002/1154.

[4] Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment*, Progress of the World's Women, vol. I (New York, United Nations Development Fund for Women, 2002).

[5] S/PRST/2001/31 and S/PRST/2002/32.

[6] For example, see Security Council resolutions on Burundi 1545 (2004), Côte d'Ivoire 1528 (2004), Haiti 1542 (2004) and Liberia 1509 (2004).

[7] Femmes Africa Solidarité, Hague Appeal for Peace, International Alert, International Women's Tribune Centre, Women's Action for New Directions, Women's Commission for Refugee Women and Children, Women's Division of the General Board of Global Ministries, the United Methodist Church and the Women's International League for Peace and Freedom. Affiliate members include: Amnesty International and the Women's Environmental and Development Organization.

[8] General Assembly resolutions 58/177, 58/196, 58/169, 57/176 and 57/189.

[9] General Assembly resolution 58/142.

[10] *Official Records of the Economic and Social Council, 2004, Supplement No. 7* (E/2004/27), chap. I, sect. IV.

[11] A/55/985-S/2001/574.

[12] A/58/365-S/2003/888.

[13] A/57/864, annex.

[14] Peace agreements as a means for promoting gender equality and ensuring participation of women — A framework of model provisions (EGM/PEACE/2003/REPORT), December 2003.

[15] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* and corrigendum (A/58/18 and Corr.1).

[16] S/2004/616.

[17] E/CN.6/2004/5.

[18] Inter-Parliamentary Union (www.ipu.int).

[19] See www.un.org/womenwatch/osagi/meetings/2004/EGMelectoral/index.html.

[20] A/58/868-S/2004/634.

[21] S/2004/431.

[22] A/58/546-S/2003/1053 and Corr.1.

[23] See A/59/1.

[24] See E/CN.4/Sub.2/2004/35.

[25] Human Rights Watch World Report, 2004.

[26] A/59/357.

[27] A/57/447.

[28] ST/SGB/2003/13.

[29] E/2004/CRP.3.

[30] "An analysis of the gender content of the reports of the Secretary-General to the Security Council, 2000-2003", Office of the Special Adviser on Gender Issues and Advancement of Women, September 2003.

[31] See www.peacewomen.org.

[32] www.womenwarpeace.org.

[33] www.un-instraw.org.

United Nations A/59/434–S/2004/815

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Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 14 October 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 4 October 2004, addressed to you by His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex), forwarding the letter of His Excellency Mr. Mehmet Ali Talat, Prime Minister of the Turkish Republic of Northern Cyprus.

I should be grateful if the present letter could be circulated as a document of the General Assembly under agenda item 29, and of the Security Council.

(*Signed*) Altay **Cengizer**
Minister Counsellor
Deputy Permanent Representative

04-55678 (E) 221004

Annex to the letter dated 14 October 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 4 October 2004 addressed to you by H.E. Mehmet Ali Talat, Prime Minister of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative

Enclosure

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Tassos Papadopoulos, at the fifty-ninth session of the General Assembly in New York on 23 September 2004.

I wish to stress, at the outset, that as the Turkish Cypriot side we believe in the reunification of the island, and reiterate, once again, our firm conviction to find a just and lasting federal solution in Cyprus based on bizonality and political equality.

It is most disappointing to witness the Greek Cypriot leader's portrayal of the Cyprus question as a problem of "invasion and occupation" and "plea to Turkey to join" them in seeking "mutually beneficial solutions to the various aspects that compose the Cyprus problem" in an attempt to hide the fact that not Turkey and Turkish Cypriots but Mr. Papadopoulos himself and his administration have been the main culprits behind the collapse of Your Excellency's latest initiative. Moreover, the ramifications of this approach are clear and confirm our serious concerns that the Greek Cypriot leadership not only plan to continue with the pretence that they represent the whole of Cyprus but also refuse to acknowledge that the island of Cyprus is the common home of the Turkish Cypriots and Greek Cypriots alike who should share and have an equal say over its destiny.

The refusal of the Greek Cypriot leadership to acknowledge the foregoing and accept its side's responsibility in the destruction of the Republic of Cyprus in 1963 which ultimately segregated the two peoples and finally led to the present division of the island, does not help our objective to create the necessary atmosphere of mutual trust and confidence in which the two peoples of the island can share a common future. We are well aware of the fact that a peaceful future for the younger generations cannot be held prisoner to the tragic experiences of the past. It was in this spirit that your comprehensive settlement plan was approved by the Turkish Cypriot people by a 65 per cent majority demonstrating their strong will for a lasting settlement based on bizonality and political equality. On the other hand, 75 per cent of the Greek Cypriot people rejected the plan as called for and were misled by the Greek Cypriot leader, Mr. Papadopoulos, in his address on 7 April 2004, when he demanded a "resounding no to the Annan plan" from the Greek Cypriots.

In defence of this rejectionist attitude, Mr. Papadopoulos states that the verdict of the Greek Cypriot people on a proposed solution should be respected as "the people are in the best position to judge what is suitable for them". However, the Greek Cypriot leader conveniently overlooks his prime role in conjunction with a majority of the Greek Cypriot leadership in shaping the Greek Cypriot people's wrong perception of your plan as well as the deceptive assumption that the Cyprus issue needs be solved to their full satisfaction. Indeed, in his above-mentioned address the Greek Cypriot leader called upon his people to reject the United Nations plan in order to "achieve their joint strategic goal" which he described as "politically upgrading and shielding their internationally recognized state, the Republic of Cyprus". Moreover, Mr. Papadopoulos found no objection to assuring the Greek Cypriots that this would not be a final initiative but offered them the opportunity to collect the fruits of strengthened political weight acquired by European Union membership and exploit Turkey's accession efforts as well as the continuing international interest to their full advantage. This negative and harmful approach by the Greek Cypriot leadership caused widespread reaction from the

international community, including Your Excellency and high-level European Union officials.

The Greek Cypriot leadership launched a campaign following the referendums in order to explain why the Greek Cypriots voted against the United Nations plan. The rationale and arguments used in that explanation, which were also cited by Mr. Papadopoulos in his address to the General Assembly, were regarded as unfounded by the international community. In fact, the expressed views of the international community at large suffice to demonstrate that all but the Greek Cypriot side is in agreement that the United Nations plan offered carefully balanced and workable solutions to the issues and complaints raised by the Greek Cypriot leader in his speech.

Mr. Papadopoulos states that the withdrawal of troops and "settlers", the underlying structures of a functioning economy, the functionality and workability of the new state of affairs, the just resolution of land and property issues and the respect of the right of return of refugees are essential parameters for a solution for the Greek Cypriots and, thus, implies that the United Nations plan did not address adequately and effectively any of these issues. Nothing can be further from the truth.

It hardly needs to be stressed that the plan provided the Greek Cypriots an invaluable opportunity to minimize the Turkish military presence to a symbolic number on the island, reduce the number of so-called "Turkish settlers" to an agreed level, and bring about the return of a serious percentage of land and restoration of a considerable amount of property to Greek Cypriots which would serve their social and economic interests.

The former Special Representative for Cyprus of the United Kingdom of Great Britain and Northern Ireland and the European Union, Lord David Hannay, also concluded that by taking the rejectionist baton the Greek Cypriot administration and political parties ensured that "9 per cent of territory on offer was not returned to their administration: that the tens of thousands of Greek Cypriots who would have returned to their property would not be able to do so; that Turkey's troop presence would not be reduced; and that there would be no cap on the number of Turkish mainland citizens who would come to the north and get Turkish Cypriot citizenship" (House of Lords, 26 May 2004).

As for the Greek Cypriot requirement for "functionality and workability" and that any solution must be based on international legality including universal human rights and freedoms, the following remarks suffice to demonstrate that the Annan plan was fully in line with the norms and principles of both the European Union and the United Nations. Mr. Gunther Verheugen confirmed this on 15 April 2004 in the following words: "I would like to stress that the Annan plan is in line with the fundamental principles on which the European Union is founded and that viability and economic sustainability have been strengthened. The finalized comprehensive settlement ensures that the United Cyprus Republic is able to speak with one voice in international forums and to fully participate in the European Union's decision-making process, and that the acquis is properly applied and enforced on the island" (High-Level Preparatory Donors' Conference). On the other hand, in your report on Cyprus to the Security Council dated 16 April 2004, Your Excellency also rightly reiterated that the plan "was drawn up taking full consideration of relevant United

Nations resolutions and treaties" and that it "provides for a new state of affairs that is in full accordance with the Council's vision for a settlement".

The Greek Cypriot leader also wrongly argues that the United Nations plan failed to address the serious concerns of the Greek Cypriot people regarding security and effective implementation. This allegation is also misleading, as Greek Cypriot concerns for implementation and security had been repeatedly voiced in the past with an absence of substantive warrants backing their vague complaints. The United States Ambassador to the Security Council, Mr. Cunningham, called for the Greek Cypriots "to articulate, with clarity and finality, concerns that they have indicated regarding implementation of the settlement plan and its security provisions" and continued by adding that "only when they are articulated can such concerns be addressed" (Statement to the Security Council, 11 June 2004).

Regarding the inconceivable claim by Mr. Papadopoulos that the United Nations plan "was not the product of negotiation", I can only remind him that the world witnessed the two parties in Cyprus negotiate on and off, under United Nations auspices, for the preceding four and a half years before the final version of the Annan plan was submitted for the approval of both sides. In fact, during the final stages, in addition to the United Nations officials, a considerable number of international experts were also present to assist hundreds of officials and experts from both sides to finalize the work of the technical committees. As for his implication that the end product was dictated by the interests of the third parties, I only wish to recall the following words of the Minister for European Affairs of the United Kingdom, Mr. MacShane: "Much of the finalized document is the result of the work of Greek Cypriots themselves ... I repeat that I firmly believe that the plan provides a fair, just and lasting basis on which to reunite ..." (House of Commons, 16 May 2004). In fact, because of the lack of willing cooperation by the Turkish side, the plan was an outcome of the work of the United Nations team in close cooperation with the Greek Cypriot leadership of the time.

The fact is that the comprehensive settlement plan of the United Nations did not satisfy all the demands and needs of either the Turkish Cypriot or the Greek Cypriot people. A very long list of why the plan should have been rejected also exists in the minds of all Turkish Cypriots. However, as the Turkish Cypriot side, we are well aware of the fact that a durable solution also has its price and requires a good deal of compromise. On 24 April 2004, the Turkish Cypriot people declared their will to pay the cost for a viable settlement and voted in favour of the United Nations plan. The Greek Cypriots, on the other hand, expressed their will towards no compromise and thus voted down a negotiated settlement.

Mr. Papadopoulos stresses that the verdict of the people must be respected and solemnly declares that "the accession of Cyprus to the European Union, in conjunction with the lack of an agreement" signifies the end of an era and the beginning of a new one. The results of the referendums clearly demonstrated the strong desire of the Turkish Cypriot people for a settlement based on partnership and equality, on the one hand, and the rejection, on the other, of the Greek Cypriot people entering into a power-sharing arrangement on the basis of equality with us. The separate simultaneous referendums also reconfirmed the fact that neither the Greek Cypriots nor the Turkish Cypriots represented each other. Consequently it would be an untenable claim that there is a single authority to represent the whole island, disregarding the reality that any solution in Cyprus requires the consent of

both sides. The Greek Cypriot side, over the years, based its arguments on the principle of the doctrine of necessity. However, after the referendums the Greek Cypriot side can no longer exploit the doctrine of necessity against the Turkish Cypriot since it was the Greek Cypriot leadership and, ultimately the Greek Cypriot people, which blocked a comprehensive settlement on the island, thus returning to "normal conditions".

The fact remains, therefore, that the "new era" holds a serious injustice. The Greek Cypriot side which opted for no settlement continues to enjoy the benefits of the usurped title of "Republic of Cyprus" and has become a member of the European Union, whereas the Turkish Cypriot side which voted for a peaceful reunification not only remained outside the European Union but continues to be subjected to political and economic restrictions and isolation. The question now is whether the world shall continue to close its eyes to this unjust situation and allow the Greek Cypriots who opted for no solution to continue pretending that they represent the whole island or honour the Turkish Cypriots with their vested rights to speak and act for themselves through their separate will which they have exercised towards the unification of the island. As also stressed by Your Excellency, the result of the Turkish Cypriot referendum "has undone whatever rational might have existed for pressuring and isolating" our people. The Turkish Cypriot people who have certainly done their part, expect the international community to address the unjust circumstances that they have been living in through no fault of their own and lift the restrictions on the economic, social and political development.

In this context, we welcome the efforts of the international community in accordance with Your Excellency's call "to cooperate both bilaterally and in international bodies to eliminate the unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development". It is most disappointing, however, to witness that international efforts aimed at supporting the economic and social development of the Turkish Cypriot people are being seriously hampered by the Greek Cypriot administration. In fact, the policies and proposals cited by the Greek Cypriot leader as directed towards the enhancement of the economic development of Turkish Cypriots are merely designed to prevent international efforts, such as the proposals of the European Union Commission, particularly as regards direct trade and financial aid to North Cyprus, from materializing and continuing to hold the development of the Turkish Cypriot economy hostage to its political considerations. In fact while Mr. Papadopoulos claims to have directed their internal strategies towards paving the way for the economic prosperity of Turkish Cypriots, his administration has launched a major lobbying campaign in the international arena to prevent any and all kinds of contributions towards that end. It is no secret that the mounting efforts of the Greek Cypriot side vis-à-vis the European Union member States and institutions are aimed at turning the financial aid regulation into an unworkable process, on the one hand, and totally doing away with the direct trade regulation, on the other.

As the Turkish Cypriot side we have, undoubtedly, proved our firm commitment to reconciliation, as also evidenced by our recent action, including the opening of the Greek Cypriot secondary school in the Karpaz area in North Cyprus and the positive developments on the missing persons issue. It is, however, amply clear that entrusting the all-important issue of overcoming the difficulties in the way of the economic and social development of the Turkish Cypriot people with the Greek Cypriot administration can only help the Greek Cypriot leadership to further

harden the uncompromising position it displayed at the referendums. In spite of their statements to the contrary, it is evident from the actions of the Greek Cypriot leadership in the aftermath of the referendums that they have no intention of abandoning their policy of accusing others for the impasse that they have created and utilizing its consequences to do away with the established parameters of a solution which came into existence as a result of almost four decades of United Nations-sponsored negotiations. It is most striking in this context that Mr. Papadopoulos chose to call upon Turkey to help solve the Cyprus question but made no reference to the mission of the good offices of the United Nations Secretary-General. It would undoubtedly, be more meaningful if the Greek Cypriot leader called upon Your Excellency to continue your invaluable efforts if the Greek Cypriot side were sincerely ready to turn its expressed will for negotiated settlement into concrete actions. The truth of the matter is that the present Greek Cypriot policies are directed towards distorting the essence of the Cyprus issue and presenting it as merely a problem of invasion to be solved within the European Union. This misguided approach can only help further complicate the present impasse for all concerned, including the European Union.

I therefore take this opportunity to call upon the international community, once more, to take concrete steps towards ending the isolation of the Turkish Cypriot people and lifting the restrictions on their economic and social life in order to facilitate their overall development. I sincerely believe that only then shall the Greek Cypriot leadership have a real incentive to re-evaluate its position and begin to see the benefits of a mutually agreed settlement in Cyprus. I wish to stress, before I conclude, that all our efforts and actions will be directed towards preparing for the day that our counterparts shall finally be ready to share a common future on the basis of partnership and equality.

(*Signed*) Mehmet Ali **Talat**
Prime Minister

United Nations A/ES-10/288–S/2004/816

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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 14 October 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues with its massive onslaught against the Palestinian population in the northern Gaza Strip area. In recent days, the Israeli occupying forces have intensified military attacks in the area, including, in particular, in Beit Lahiya and the Jabiliya refugee camp. For over two weeks now, northern Gaza has been the site of a vicious and barbaric campaign by the Israeli occupying forces with seemingly no limits to the killings, destruction and despair being inflicted on the Palestinian civilian population.

Today, the Israeli occupying forces, continuing the illegal practice of extrajudicial killing and continuing to use excessive and indiscriminate force, killed five more Palestinians in two separate air missile strikes. In an attack on the Jabiliya refugee camp, the occupying forces fired missiles that killed two Palestinian men. A similar attack was carried out by the occupying forces in the Rafah refugee camp in southern Gaza, which resulted in the death of three Palestinians, including a 70-year-old Palestinian man, Ismail Assawalhi. In addition to the killings, the attack wounded more than seven Palestinians, some critically. Moreover, the occupying forces inflicted extensive destruction on the Rafah refugee camp today, demolishing at least 30 more homes and causing even more homelessness in this already devastated camp. The occupying Power today also caused widespread destruction in Beit Lahiya, destroying or damaging about 20 homes, tearing up roads, knocking out electricity and telephone lines, flattening cars and razing acre upon acre of olive and citrus groves.

Regrettably, the occupying Power also continues to wound and kill innocent Palestinian children. Yesterday, 13 October 2004, a 10-year-old Palestinian girl, Ghadeer Jaber Mukhaymer, died after undergoing emergency surgery to save her life. Ghadeer, a fifth grade student, was wounded by a bullet to the stomach a day earlier by the Israeli occupying forces as she sat at her desk during class at a clearly-marked UNRWA school in the Khan Younis refugee camp in Gaza. A similar crime was conveyed to you in our letter dated, 13 September 2004, when Raghda Adnan

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Al-Assar, age 10, was struck in the head by a bullet on 7 September while sitting at her desk in a classroom of another UNRWA school in Khan Younis. Not only are schools supposed to be havens of safety and learning for children, these are United Nations facilities, the protection and safeguarding of which is incumbent upon the occupying Power under both the Charter and the Convention on the Privileges and Immunities of the United Nations. We implore the United Nations along with the rest of the international community to take a clearer and firmer position in condemnation of such horrific crimes committed against innocent and defenceless Palestinian children by the occupying Power and in condemnation of such ongoing violence and attacks against United Nations institutions and facilities.

After all of this death and destruction inflicted by the Israeli occupying forces, Israeli Prime Minister Sharon is still refusing to terminate or indicate any limit on this military rampage throughout Gaza. Persisting with his policy of reprisals and collective punishment of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, the Prime Minister today declared that the "operations" would continue as long as there are casualties on the Israeli side, despite the fact that for days there have been no such casualties. In the light of such declarations and in light of the vast human and material losses already inflicted by the occupying Power on the Palestinian civilian population, it is imperative for the international community to take the necessary measures to compel Israel to immediately cease its criminal behaviour, cease its military raids and attacks and withdraw its occupying forces in the area.

This letter is in follow-up to our previous 206 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 11 October 2004 (A/ES-10/287-S/2004/811) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that, since my last letter to you, at least 12 more Palestinians, including children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,398. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 14 October 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 13 October 2004, to Thursday, 14 October 2004)

Wednesday, 13 October 2004

1. Khidr Mohamed Al Talooli (died from sustained wounds on 10 October 2004)
2. Ghadeer Jaber Mukhaymer (10 years old) (died from sustained wounds on 12 October 2004)
3. Mohamed Karam Ma'roof
4. Mohamed Said Al Masri
5. Rizq Hasan Al Zeiti
6. Jihad Amin Abu Moussa (died from sustained wounds on 11 October 2004)
7. Jihad Hassan Barhoom (16 years old)

Thursday, 14 October 2004

1. Nidal Harb Maso'ud
2. Mohi Aldin Maher AlMahdoon
3. Ramzi Ismail Abu Shaqfeh
4. Ali Abdel Kerim Shaath Amed Saleh Al Tahrawy
5. Ismail Mohamed Sawelhah

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* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,398.

United Nations S/2004/817

Security Council

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15 October 2004
English
Original: French

Letter dated 13 October 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On orders from my Government, I have the honour to attach a copy of the address delivered by the President of the Republic, H.E. Mr. Laurent Gbagbo, on 12 October 2004 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Philippe **Djangone-Bi**
Ambassador
Permanent Representative

04-55684 (E) 211004 221004

Annex to the letter dated 13 October from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Address to the nation by H.E. Mr. Laurent Gbagbo, President of the Republic of Côte d'Ivoire, on disarmament and the political reforms

Tuesday, 12 October 2004

Ladies and Gentlemen of Côte d'Ivoire,

My dear fellow citizens,

Since the beginning of the crisis in Côte d'Ivoire, I have addressed you regularly, at every important stage of the peace process, to take stock of what has been accomplished. We are all committed to this process, which is aimed at bringing an end to the war and making it possible for Côte d'Ivoire to recover its unity and for all its inhabitants to achieve reconciliation.

Through the efforts of all and with the support of the international community, the peace process is moving forward. After a long series of negotiations, which took place both here in Côte d'Ivoire and in friendly countries, we have now reached the disarmament phase. This is an essential phase in which everyone must be involved. For this reason, I call on the entire nation once again to mobilize in making the final effort needed to ensure that the country returns to the path of unity and prosperity. My message tonight is one of unity and hope.

In January 2003, when the Ivorian political parties and the armed rebellion decided to sign the Linas-Marcoussis Agreement, they actually made a dual commitment. They sought, on the one hand, to bring an end to the war and, on the other, to resolve certain political problems, both old and new, that Côte d'Ivoire faces. Let me recall that the State of Côte d'Ivoire was not a party to this Agreement. But I decided, in your name and for the sake of peace, to implement it and to do so seriously. It is this will that I again expressed by signing the Accra III Agreement which was concluded at the most recent meeting on the Ivorian crisis, in the capital of Ghana, under the aegis of the Economic Community of West African States (ECOWAS) and the United Nations.

Under the Linas-Marcoussis Agreement, disarmament was to begin immediately following the formation of the Government of National Reconciliation and Parliament's adoption of an amnesty act for the soldiers engaged in the rebellion. The Government has been formed and the Amnesty Act has been adopted and promulgated, but disarmament is not yet a reality.

Nevertheless, in order to build confidence and show good will, I undertook with the Government of National Reconciliation the political reforms recommended by the Agreement. In addition to the Amnesty Act, unanimously adopted on 6 August 2003, Parliament has already adopted the following:

- Amendments to the Act relating to the identification of persons and residence of aliens in Côte d'Ivoire, adopted on 23 April 2004;

- Act relating to the establishment, organization and functioning of the National Human Rights Commission, adopted on 23 April 2004;
- Act authorizing the President of the Republic to ratify the Additional Protocol on the free movement of persons and the right of residence and establishment, adopted on 27 July 2004;
- Act amending article 26 of the Rural Land Code, adopted on 28 July 2004;
- Act relating to the declaration of income, assets and liabilities of the President of the Republic, adopted on 28 July 2004; and
- Act on the financing of political parties and groups and of election campaigns from the public coffers, adopted on 9 September 2004.

In addition to these Acts, which have already been adopted and promulgated, the Government has adopted five additional bills in the Council of Ministers and referred them to Parliament:

- Bill authorizing the President of the Republic to ratify the Additional Protocol relating to implementation of the third stage (right of establishment) of the Protocol on the free movement of persons and the right of residence and establishment, signed at Banjul on 29 May 1990; Parliament has postponed consideration of this bill pending the arrival of additional information;
- Bill amending the Act establishing the composition, organization, powers and functions of the Independent Electoral Commission; consideration of this bill was suspended on 26 August 2004 at the request of the Minister of State for Territorial Administration;
- Bill amending and supplementing the Nationality Code. This bill has been temporarily withdrawn at the request of the Minister of State for Justice;
- Bill establishing the legal regime governing the press, referred to Parliament on 24 September 2004; and
- Bill further amending the Act amending the Act relating to the identification of persons and residence of aliens in Côte d'Ivoire.

At present, the Council of Ministers has only three remaining bills to consider before referring them to Parliament:

- Bill on the legal regime for audio-visual communication, to be submitted by the Minister of State for Communication;
- Bill on the status of the opposition, to be submitted by the Minister of State for Territorial Administration; and
- Bill on the prevention of illicit enrichment, to be submitted by the Minister of State for Justice.

The Act amending article 35 of the Constitution has already been adopted by the Council of Ministers.

Overall, of the 16 bills arising from the Linas-Marcoussis Agreement, seven have been adopted, five are before Parliament and three are awaiting referral to the Council of Ministers.

This is the status of the political reforms. They have been initiated, they are in process and they will continue. For my part, I intend to fulfil all my commitments. I am completely open. I will do everything in my power to ensure that no legislation arising from the Linas-Marcoussis Agreement, including the draft amendment to article 35 of the Constitution, is ignored.

Of course, political reforms are important. But, unlike disarmament, they do not constitute a physical obstacle to the country's reunification. Once again, let me recall that during the times of disorder, more than at any other time, it is the duty of the President of the Republic to respect, and ensure respect for, the Constitution, which is our compass. That is why, contrary to all the interpretations made in various quarters, I have decided to follow the only path prescribed by the Constitution.

This is the basis for my position in the debate on article 35 of the Constitution. Unlike the other legislation arising from the Linas-Marcoussis Agreement, this constitutes a change in our fundamental law. The Constitution itself establishes the proper procedure in this regard:

> "Amendments to the Constitution are not official until they have been approved by referendum with an absolute majority of the votes cast. Any bill or proposed amendment concerning the election of the President of the Republic, the exercise of the presidential mandate, vacancy of the post of President of the Republic or the procedure for amendment of this Constitution must be decided by referendum" (art. 126); and
>
> "No amendment proceedings may be undertaken or pursued if they pose a threat to the integrity of the territory. The republican system and the secular State are not subject to amendment" (art. 127).

It is these provisions of our Constitution and especially article 127 thereof, not the President of the Republic, which constitute the obstacle to submission of the draft amendment to the Constitution. Since the Constitution is the foundation of the Republic and of democracy, we must address the question of its amendment dispassionately.

I call on every Ivorian woman and man, whatever their political position, to ensure respect for our Constitution. Without this respect for our fundamental law, the nation is vulnerable to any eventuality. Respect for the Constitution is the guarantor of political stability, the rule of law, democracy and social peace.

Nevertheless, both as proof of my good faith and in order to reassure everyone concerning this matter on which attention is focused, I solemnly make this commitment tonight: as soon as disarmament begins, I will submit to Parliament the draft amendment to article 35 of the Constitution on eligibility.

Let me point out that the disarmament, demobilization and reintegration (DDR) process includes the following phases: cantonment, disarmament and demobilization of combatants. The beginning of disarmament means the cantonment of troops, which will permit freedom of movement for the people throughout the entire national territory. During all the phases of DDR, I shall take all appropriate measures to ensure the safety of persons and property — the safety of former combatants and of the people.

My dear compatriots,

Let us get on with disarmament and with the reunification of the country. Let us end the war and, together, let us take the best paths, those of the rule of law and democracy, in order to undertake the reforms desired by all.

In the present situation, the press has an important role to play. I urge journalists — men and women of the media — to calm things down. I encourage all parties to the conflict and all political parties to think as I do. Let us move towards peace. All compromises are possible.

Today, the Ivorian political community is faced with its responsibilities. There was war because men took up arms. As long as they are in possession of these arms, any discussion of peace will be fruitless.

The fighting forces — those who bear arms and fight each other on the ground — are, on the one hand, the armed troops of the Forces Nouvelles and, on the other, the national defence and security forces. These two groups soon realized that the war was not a good thing: not for themselves, not for the country, not for Ivorians and not for all who live in Côte d'Ivoire.

On 4 May 2003, the soldiers sent us a strong signal by signing a comprehensive ceasefire agreement. On 4 July 2003, at a moving ceremony in the presidential palace, they solemnly proclaimed the end of the war. Since then, except for some unexpected skirmishes, the weapons have been silent on all fronts.

Yesterday — Monday, 11 October 2004 — the two groups of fighting forces drafted a joint address to the President of the Republic. In this address, which has great symbolic value, the defence and security forces and the armed forces of the Forces Nouvelles express their wish that, after more than two years of crisis, Côte d'Ivoire should finally find peace for the benefit of its people.

This is why, reaffirming their will to begin the DDR process on 15 October 2004 in accordance with the Accra III Agreement, they request His Excellency the President of the Republic, as the highest official of the Government and the guarantor of national unity, to intervene by using all his authority to speed up achievement of the peace process and resolution of the problems relating thereto.

This move is justified, according to the authors of the address, by a number of concerns related to the political situation — that is, to the attitude, words and deeds of politicians — which could weaken the process of peace and national reconciliation.

In other words, the fighting forces of both sides declared themselves ready for disarmament on 15 October 2004. They have played their part and are asking the politicians to play theirs. They made this declaration in the presence of the President of the Republic, the Prime Minister, the members of Government, the Ivorian signatories to the Accra III Agreement, the United Nations and Operation Licorne forces, the National Commission for Disarmament, Demobilization and Reintegration (NCDDR), the National Pilot Committee for the Redeployment of the Administration (CNPRA) and the International Civilian Police (CIVPOL).

This is a patriotic act and I wish to congratulate them. As Commander in Chief of the armed forces who, in that capacity, received the joint declaration of the end of the war on 4 July 2003, and as the recipient of the address of 11 October 2004, I

would like to assure the soldiers on both sides of my commitment to pursuing ceaselessly the reforms which are essential to the creation of a republican army. It will be necessary to strengthen unity and discipline within our army and to give it the necessary resources so that it will be equal to our economic ambitions and to our position in West Africa.

I have understood that the message from the defence and security forces and the armed forces of the Forces Nationales was not addressed to the President of the Republic alone. It challenges the entire political community and the entire nation as well. For this reason, I have invited the ten signatories to the Accra III Agreement to respond to the concerns of the fighting forces.

We will meet tomorrow — Wednesday, 13 October 2004 — at the presidential palace. I launch a brotherly appeal to all the leaders of the political parties and movements engaged in the peace process.

The only question that arises today is how to support and promote the process set in motion by the soldiers. The political parties, which are the beneficiaries of social peace, can do no less than the soldiers who have set us an example by opting for immediate, unconditional disarmament. We must follow their example. We cannot wage war when those fighting on the ground refuse to do so.

The beginning of disarmament does not mean an end to the reforms. The National Assembly has just opened its second ordinary session. It will continue to consider the bills submitted under the Linas-Marcoussis Agreement. We have elections for which to prepare. Let us continue with this process. At the meeting of 13 October 2004, we must identify the elements of the political environment which support a real beginning of disarmament on 15 October 2004.

The people of Côte d'Ivoire have suffered too much from this war. The displaced people must be able to return to their towns, their villages, their homes, their plantations, their fields. In the North, the Centre, the West and the East, Ivorians must be able to move freely throughout the national territory. The national radio and television must resume broadcasts in all parts of Côte d'Ivoire. I assure CNDDR of the support of the President of the Republic in ensuring that it has viable sites for the cantonment of former combatants wherever needed.

The international community supports us. The United Nations Security Council's most recent statement on the Ivorian crisis and the recent declaration by the ambassadors of the countries members of the European Union are further signs of the international solidarity which has never failed us. For this reason, I regret and condemn the recent demonstrations against the United Nations and Operation Licorne wherever they have occurred. Those who have come to help should not be attacked.

I commend the calm reaction of the members of the peacekeepers, who did not yield to provocation, and I thank the international community once again for its efforts to promote peace in Côte d'Ivoire. We must not disappoint our friends. We must not disappoint our people. We must not compromise the future of our country. The road to peace is open. Today, more than ever, we need to be united.

God bless Côte d'Ivoire!

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General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 14 October 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon from 15 September to 11 October 2004 (see annex).

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including air, sea and land, and intervene against the principles of international law, the resolutions of international legitimacy, and your repeated calls for their cessation.

In view of these violations and the stepping-up of Israeli threats against Lebanon and the safety of its territory and its citizens, Lebanon calls upon the United Nations to deter and prevent Israel from such dangerous acts, which constitute a threat to international security and peace. Lebanon holds Israel fully responsible for any consequences to which those acts may lead.

In drawing your attention to the grave consequences of such acts, I request to have the present letter of complaint and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-55721 (E) 181004

Annex to the letter dated 14 October 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Israeli maritime violations of Security Council resolution 425 (1978)

15 September 2004

Between 0300 and 0325 hours, an Israeli gunboat in Lebanese territorial water facing Ras-Naqoura fired three flare shells, and 0645 hours fired several bursts of medium machine-gun fire on the open sea.

15 September 2004

At 1615 hours, Israeli occupation forces, positioned in Rweiset Alalam inside Chebaa farms, raked the surroundings of this position with medium machine-gun fire.

16 September 2004

At 0320 hours, an Israeli gunboat in Lebanese territorial water facing Ras-Naqoura fired a flare shell, and between 0600 and 0645 hours, fired several bursts of medium machine-gun fire on the open sea.

17 September 2004

Between 0300 and 0500 hours, an Israeli gunboat in Lebanese territorial water facing Ras-Naqoura fired three flare shells, and at 0844 hours, fired several bursts of medium machine-gun fire on the open sea.

18 September 2004

Between 2300 and 2310 hours, Israeli occupation forces, positioned in Tallet Elradar inside Chebaa farms, raked the surroundings of this position with medium machine-gun fire.

20 September 2004

At 1710 hours, an Israeli gunboat in Lebanese territorial water facing Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

21 September 2004

At 1644 hours, Israeli occupation forces, positioned in Tallet Elradar inside Chebaa farms, raked the surroundings of this position with medium machine-gun fire.

23 September 2004

At 1710 hours, Israeli occupation forces, positioned in Rweiset Alalam inside Chebaa farms, raked the surroundings of this position with medium machine-gun fire.

23 September 2004

Between 2030 and 2215 hours, an Israeli gunboat in Lebanese territorial water facing Ras-Naqoura fired a flare shell and several bursts of medium machine-gun fire on the open sea.

24 September 2004

Between 0530 and 0600 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude over Damour and left from over Naqoura towards the sea.

27 September 2004

Between 2215 and 2300 hours, Israeli warplanes violated Lebanese airspace at high altitude over Chebaa farms, Houla and Chaqra.

10 October 2004

Between 1450 and 1850 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude, entered from over the sea facing Tyre, headed east and circled over Nabatieh, Saida, Damour and Naameh.

11 October 2004

Between 1030 hours and 1032 hours, two Israeli warplanes violated Lebanese airspace at different altitudes, entered from above Rmaich village and headed to Bent-Jbeil and Ainebel villages.

Between 1041 and 1132 hours, 10 Israeli warplanes violated Lebanese airspace at different altitudes as follows:

- Four warplanes entered from above Kfarchouba village. Two warplanes entered from above Rmaich village.
- Four warplanes entered from above the sea facing Jounieh Jbeil.

Six of these warplanes circled over Chekaa, Jbeil, Batroun and Elraz and headed to Baalbeck and Hermel. Four warplanes circled over Elchouf and South regions.

United Nations S/2004/819

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Report by the Secretary-General concerning the credentials of the alternate representatives of Benin on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials from the Minister for Foreign Affairs and African Integration of Benin, signed on 11 October 2004, stating that Mr. Bertin Anatole Babadoudou and Mr. Nicolas Codjo have been appointed alternate representatives of Benin on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

04-56518 (E) 211004

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Letter dated 15 October 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On 6 July 2004, the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Counter-Terrorism Committee) submitted a work programme for the twelfth 90-day period (S/2004/541). Annexed hereto is the Committee's work programme for the thirteenth 90-day period, which covers the months from October to December 2004 (see annex).

The activities of the Committee will proceed in compliance with the provisions of Security Council resolutions 1535 (2004) and 1566 (2004).

The Committee will continue to work with States on monitoring the implementation of Security Council resolution 1373 (2001), operating on the principles of cooperation, transparency and equal treatment. The Committee's main objectives will continue to be maintaining and strengthening the consensus within the international community on the importance of combating terrorism, with particular emphasis on undertaking practical measures designed to increase the capabilities of States to combat terrorism; helping to identify and address the problems faced by States in implementing Council resolution 1373 (2001); and upholding international coordination and cooperation by, for instance, contributing to the process of increasing the number of States that are parties to the relevant international conventions and protocols. All of these tasks contribute to the Committee's mandate, as set out in paragraph 6 of the resolution, to monitor its implementation.

The thirteenth work programme covers the period during which the Committee will move to the final stage of its revitalization. In accordance with Security Council resolutions 1535 (2004) and 1566 (2004), the Committee will continue its efforts to ensure the full operational status of the Counter-Terrorism Committee Executive Directorate and further increase the Committee's capacity, inter alia, through enhanced cooperation with the Al-Qaida/Taliban sanctions committee established pursuant to resolution 1267 (1999) and the Committee established pursuant to resolution 1540 (2004).

The Committee will continue its work in the areas of technical assistance and cooperation with international organizations in accordance with the decisions adopted by the Committee. It remains committed to maintaining direct dialogue and information exchange with Member States on the implementation of Security

04-55787 (E) 151004

Council resolution 1373 (2001) which will be enhanced by the planned visits of the Committee to States with the concerned State's consent.

The Committee welcomes the support received from Member States, the United Nations Secretariat and international, regional and subregional organizations, and appreciates the contribution of its team of experts.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

Annex

Work programme of the Counter-Terrorism Committee

(1 October-31 December 2004)

1. The present document sets out the work programme of the Counter-Terrorism Committee for its thirteenth 90-day period, from 1 October to 31 December 2004. This work programme updates that submitted for the twelfth 90-day period (S/2004/541).

Summary

2. The Committee will:

(a) Continue close cooperation with the Executive Director of the Counter-Terrorism Committee Executive Directorate with the goal of implementing the organizational plan of the Directorate and making it fully operational in the shortest possible time;

(b) Continue the preparation for the fourth special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations;

(c) By 31 October:

(i) Continue to circulate the States Assistance Matrix on a monthly basis, to identify assistance needs and offers;

(ii) Complete the review of 15 further reports;

(iii) Continue to prepare and begin to send to countries assessments of their assistance needs for eventual sharing with interested donor States and organizations;

(iv) The Chairman will make a joint briefing with the Chairman of the Committee established pursuant to Security Council resolution 1267 (1999) concerning Al-Qaida and the Taliban to interested delegations on cooperation of the Committees, including exchange of information;

(v) Decide on the first States to be visited by the Committee and begin practical preparations, following the general guidelines and procedure adopted by the Committee;

(d) By 30 November:

(i) Complete the review of 15 further reports;

(ii) The Chairman will send to the Security Council the list of States that have been late in the submission of their reports;

(e) By 31 December:

(i) Complete the review of 10 further reports;

(ii) Begin in consultation with relevant international, regional and subregional organizations and United Nations bodies, to develop a set of best practices to assist States in implementing the provisions of Security Council resolution 1373 (2001) related to the financing of terrorism.

I. Implementation of Security Council resolution 1373 (2001)

3. The Committee and its subcommittees will continue to review the reports submitted by States pursuant to paragraph 6 of Security Council resolution 1373 (2001).

4. By 30 September 2004, the Committee had received 526 reports from States and others. They include first reports from 191 Member States and 6 from others, 160 second reports from Member States and 2 from others, 117 third reports from Member States and 1 from other, and 49 fourth reports from Member States. As indicated earlier, all States have submitted their first reports.

5. Nevertheless, 78 States have missed the deadlines for submission of their respective reports. The Committee urges all States that have not submitted their reports on time to submit them as soon as possible in fulfilment of the provisions of Security Council resolution 1373 (2001). The Committee remains ready to work with them to find a way to progress towards the common objective of combating terrorism under the terms established by resolution 1373 (2001). The Chairman of the Committee will continue to provide the Council with the list of States late in the submission of their reports. The Committee will maintain universality and speed of response in compliance with provisions of resolution 1373 (2001).

6. In accordance with Security Council resolution 1456 (2003), the Committee will continue to report regularly on the progress made by States regarding their obligation to report to the Council pursuant to paragraph 6 of resolution 1373 (2001).

7. Underlining the importance for all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism contained in paragraph 3 (d) of Security Council resolution 1373 (2001) and paragraph 2 (a) of the declaration annexed to Council resolution 1456 (2003), the Committee will continue to encourage Member States to join as soon as possible the 12 pertinent international conventions and protocols and to ensure the compliance of their domestic legislation with them.

II. Work of the Committee

8. On 29 July 2004, the Committee had endorsed an organizational plan for the Counter-Terrorism Committee Executive Directorate that, in accordance with Security Council resolution 1535 (2004), had been submitted by the Executive Director of the Directorate, in consultation with and through the Secretary-General to the Committee plenary. On 12 August 2004, the Council endorsed the organizational plan of the Directorate (S/2004/642, annex II, enclosure). The Committee will maintain a close and cooperative relationship with the Executive Director and his staff in order to implement this plan and to make the new structure operational as soon as possible. One of the main objectives of the Committee will be

to ensure the effectiveness of the Committee, including its subcommittees and expert group, during the transitional period and to avoid possible negative side effects on its activities of the Committee reform.

9. Moving to the final stage of its revitalization process, the Committee will pay special attention to the implementation of Security Council resolutions 1535 (2004) and 1566 (2004). In accordance with these resolutions, the Committee will continue its efforts to ensure the full operational status of the Counter-Terrorism Committee Executive Directorate and further increase the Committee's capacity, inter alia, through enhanced cooperation with the Al-Qaida/Taliban sanctions committee established pursuant to resolution 1267 (1999) and the Committee established pursuant to resolution 1540 (2004).

10. The Committee will continue its efforts aimed at facilitating technical assistance to Member States and reinforcing coordination and cooperation with international, regional and subregional organizations. It will seek the most effective and innovative means of undertaking activities in these priority areas.

11. On 4 August 2004, the Committee adopted general guidelines for conducting Committee visits to Member States. Visits are recognized in the Committee report on its revitalization (S/2004/124) and in Security Council resolution 1535 (2004) as a new tool to be used by the Committee in order effectively to fulfil its mandate to monitor implementation of resolution 1373 (2001) and facilitate the provision of technical and other assistance for such implementation. On 16 September 2004, the Committee also approved the procedures for the preparation, conduct and evaluation of the results of Committee visits to Member States. Pursuant to the provisions of resolution 1566 (2004) during the thirteenth work programme, the Committee will proceed with the practical preparation for the first Committee visits to be made to Member States with their consent.

12. While pursuing a case-by-case approach in monitoring the implementation of Security Council resolution 1373 (2001), the Committee will bear in mind all international best practices, codes and standards that are relevant to the implementation of resolution 1373 (2001). In compliance with resolution 1566 (2004), it will start, in consultation with relevant international, regional and subregional organizations and United Nations bodies, to develop a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism.

III. Technical assistance

13. The facilitation of the provision of technical assistance aimed at strengthening counter-terrorism capacity-building of countries in need will remain one of the fundamental commitments of the Committee. The Committee will continue its work relying on enhancing direct dialogue with Member States and the donor community on the issues of providing technical assistance that is better tailored to real needs.

14. The Committee has approved a guidance document on the assessments of countries' assistance needs. This will become an additional part of Committee expertise, based on reports of Member States on counter-terrorism capabilities. With the consent of the States concerned, these assessments will be shared with interested

donor States and organizations in order to facilitate the provision of technical assistance for effective implementation of Security Council resolution 1373 (2001).

15. The Committee has developed the Directory of Counter-Terrorism Information and Sources of Assistance, which can be consulted on its web site, at http://www.un.org/Docs/sc/committees/1373/ctc_da/index.html. The Directory is designed to be a source of information on counter-terrorism-related best practices, model laws and available assistance programmes. The Committee has also produced an Assistance Matrix to collect updated information on requests received from States and on assistance offered by potential providers, including international, regional and subregional organizations. The Committee will maintain both information resources. On 29 July 2004, in a special note, the Chairman of the CTC requested all Members States to submit necessary additional information for these resources on a regular basis (SCA/3/04 (03)).

16. The Committee encourages all relevant organizations to contact it on a regular basis to ensure that the information provided is both accurate and useful for Member States seeking technical assistance. The Committee also encourages organizations to continue to submit information on international best practices, codes and standards relevant to the implementation of Security Council resolution 1373 (2001) and on any forms of assistance and guidance in implementing those best practices, codes and standards.

IV. Transparency in the work of the Committee

17. The Committee will uphold transparency as one of the basic principles of its work.

18. The Committee will continue to provide information on its activities on a regular basis, inter alia, through briefings of interested delegations by the Chairman. The next briefing will be held in October. As a general rule, the Chair will brief interested delegations at least once every 30 days.

19. The Committee will update its web site (http://www.un.org/sc/ctc) as a source of detailed information on all issues related to Security Council resolution 1373 (2001).

20. The Committee, through its Chairman, the Executive Director and, where appropriate, the Committee's experts, will continue to maintain close relations with organizations and programmes of the United Nations system on aspects relevant to international counter-terrorism efforts, within the scope of the mandate contained in Security Council resolution 1373 (2001).

21. Until the Counter-Terrorism Committee Executive Directorate becomes fully operational, States are encouraged to make direct contact with the subcommittees or experts to seek any clarification on the issues covered in their correspondence with the Committee or on any other issue (tel.: 1-212-963-3520 or 1-212-457-1266; fax: 1-917-367-5897; e-mail: ctc@un.org). In addition, the Committee's experts, and the Counter-Terrorism Committee Executive Directorate, once it becomes fully operational, may, when it is deemed appropriate, contact States to seek further clarification from them on issues arising from their reports.

V. Cooperation between the Committee and international, regional and subregional organizations

22. Pursuant to the action plan agreed at the special meeting of the Committee held on 6 March 2003, the Committee has been expanding its contacts and cooperation with international, regional and subregional organizations. In accordance with Security Council resolution 1566 (2004), the Committee will continue its efforts to strengthen its interaction with these organizations in order to facilitate full and timely implementation of resolution 1373 (2001). It will continue consultations with interested organizations on the preparation of the fourth special meeting of the Committee with international, regional and subregional organizations guided by the same principles and practices that prevailed during the previous special meeting of the Committee.

23. The Committee, through its Chairman and the Executive Director, and, where appropriate, the Committee's experts will continue to establish new and deepen existing contacts with organizations outside the United Nations system by attending regional meetings and conferences.

VI. Future work of the Committee

24. The Committee, inter alia, through the Chair, will work closely with the Executive Director of the Counter-Terrorism Committee Executive Directorate in order to contribute to its success in the implementation of the provisions of Security Council resolutions 1535 (2004) and 1566 (2004).